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GENERAL PROVISIONS

§ 157.001 AUTHORITY.

This chapter is adopted pursuant to authority granted to North Carolina municipalities by G.S. Ch. 160D.

§ 157.002 PURPOSES.

(A) It is the intent of this chapter to encourage well-planned growth for the town, and its environs, to help ensure wise, productive and harmonious uses of land, to guide the use of land in a manner which gives appropriate consideration to the economic, social, cultural, aesthetic and environmental values of citizens of the community, to preserve and enhance the quality of life for community residents and to assist in implementing the elements of the town's comprehensive plan.

(B) To these ends, this chapter seeks to regulate land and structures in a manner that will secure safety from fire, flooding, panic and other dangers, provide adequate light, air and sanitation, prevent population and traffic congestion and the overcrowding of land, facilitate the adequate provision of public facilities and utilities, conserve the value of land, buildings and natural resources, and preserve and protect the community's natural resources and its sensitive natural areas.

§ 157.003 ENACTMENT.

For the purposes cited above and for the general purposes of promoting the health, safety, and general welfare of the citizens of the town, all in accordance with a comprehensive plan, the Board of Commissioners of the town hereby ordain, adopt and enact this chapter in its entirety, including text, map and all regulations, all of which shall be known as the "Farmville Zoning Ordinance". This chapter shall apply to all land within the Town's planning jurisdiction which includes corporate and extra-territorial jurisdiction, as shown on the official zoning map or described by ordinance. Such planning jurisdiction may be modified in accordance with GS 160D-202. In addition, a copy of the official zoning map showing the boundaries of the Town's planning jurisdiction shall be available for public inspection in the Town of Farmville's Planning Department. Property that is located in the Town's extraterritorial planning and development jurisdiction and that is used for bona fide farm purposes are exempt from zoning regulations.

§ 157.004 CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict with this chapter or inconsistent with its provisions, specifically including previous zoning ordinances of the town or amendments thereto, are hereby repealed or superseded to the extent necessary to give this chapter full force and effect.

§ 157.005 DEFINITIONS.

(A) *Tense and number.*

(1) Words used in the present tense include the future tense, and words used in the future tense include the past tense.

(2) Words used in the singular number include the plural, and words used in the plural number include the singular.

(B) *Word interpretation.*

(1) The word **PERSON** includes **FIRM, ASSOCIATION, ORGANIZATION, PARTNERSHIP, CORPORATION, TRUST, FAMILY** and **COMPANY**, as well as an

INDIVIDUAL.

- (2) The word **LOT** includes the words plot and **PARCEL**.
- (3) The word **BUILDING** includes the word **STRUCTURE**.
- (4) The word **SHALL** is always mandatory and not merely directory.
- (5) The word **MAY** is permissive and not mandatory.
- (6) The words **USED** or **OCCUPIED** include “intended, arranged or designated to be” used or occupied.
- (7) The word **TOWN** shall mean the Town of Farmville, a municipal corporation in the state.
- (8) The words **ORDINANCE, REGULATIONS** and **REQUIREMENTS** shall, unless otherwise explained, mean this official Zoning Ordinance of the town.
- (9) The words **MAP, ZONING MAP** and **OFFICIAL ZONING MAP** shall mean the official zoning map of the town and its extra-territorial area, an element of this chapter.
- (10) Reference to **BOARD OF COMMISSIONERS, PLANNING BOARD, BOARD OF ADJUSTMENTS** or similar official boards shall mean the corresponding public body of municipal government in the town.

(C) Term definitions. For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY BUILDING OR USE. A non-attached building or use clearly incidental to a principal building or use, serving or contributing to the principal building or use, subordinate in area, extent and/or purpose to the principal building or use, and located on the same lot as the principal building or use. **ACCESSORY BUILDINGS OR USES** include garages, storage sheds, play houses and swimming pools.

ACCESSORY BUILDING OR USE ON A BONA FIDE FARM IN THE RA-20

DISTRICT. Manufactured homes subject to the following conditions being met:

- (a) Water, sewer and electric services, meeting current health and code requirements, must have previously been used and be currently available on the site for exclusive use by the manufactured home;
- (b) Structures previously or currently using services cited in division (a) above must be removed;
- (c) A minimum area of 20,000 square feet must be designated for the manufactured home site; and
- (d) Residents of the manufactured home must be employed on the farm where the home is located.

ADMINISTRATIVE HEARING A proceeding to gather facts needed to make an administrative decision.

AUTOMOBILE.

(a) **AUTOMOBILE SERVICE STATION.** A business providing motor vehicle fuel, oil, greases, tires, accessories and related services.

(b) **DEALERSHIP.** A business engaged in selling or renting new or used automobiles and trucks and their related services.

BED AND BREAKFAST HOME. A business in a private home of not more than eight guest rooms that offers bed and breakfast accommodations for a period of less than one week and that meets all of the following

criteria:

- a. Does not serve food or drink to the general public for pay.
- b. Serves the breakfast meal, the lunch meal, the dinner meal, or a combination of all or some of these three meals, only to overnight guests of the home.
- c. Includes the price of breakfast in the room rate. The price of additional meals served shall be listed as a separate charge on the overnight guest's bill rate at the conclusion of the overnight guest's stay.
- d. Is the permanent residence of the owner or the manager of the business.

BED AND BREAKFAST INN. A business of at least nine but not more than 12 guest rooms that offers bed and breakfast accommodations for a period of less than one week, and that meets all of the following requirements:

- a. Does not serve food or drink to the general public for pay.
- b. Serves the breakfast meal, the lunch meal, the dinner meal, or a combination of all or some of these three meals only to overnight guests of the business.
- c. Includes the price of breakfast in the room rate. The price of additional meals served shall be listed as separate charge on the overnight guest's bill at the conclusion of the guest's stay.
- d. Is the permanent residence of the owner or the manager of the business.

BEDROOM. A room designated for sleeping, also known as a sleeping room.

BOARDING HOUSE. A dwelling where, for compensation, lodging with or without meals for non-transient persons is provided.

BONA FIDE FARM. Agricultural activities as set forth in G.S. 160D-903.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING HEIGHT. The vertical distance from the highest point of the building, excluding spires, antennas and any other specific exceptions herein.

BULK STORAGE OF LIQUEFIED PETROLEUM: Any tank exceeding 4000 gallons or an aggregate of tanks exceeding 4000 gallons of Liquid Petroleum.

CHILD CARE CENTER. Per G.S. § 110-86, an arrangement where, at any one time, children who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption.

CLUSTER DEVELOPMENT. The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project. This term includes non-residential development as well as single-family residential subdivisions and multi-family developments.

COMPREHENSIVE PLAN. A comprehensive plan that has been officially adopted by the governing board pursuant to G.S. 160D-501.

CONDITIONAL ZONING. A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

CONVENIENCE STORE. Any retail establishment offering for sale prepackaged food products, household items and/or other goods commonly associated with the same and have a floor area of less than 5,000 square

feet, but not including auto service stations or vehicle repair shops.

DAY CARE CENTER. See “child care center” and “family child care home.”

DECISION-MAKING BOARD. A governing board, planning board, board of adjustment, historic district board, or other board assigned to make quasi-judicial decisions under G.S. 160D.

DETERMINATION. A written, final, and binding order, requirement, or determination regarding an administrative decision.

DEVELOPER. A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

DEVELOPMENT means any of the following:

The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.

The excavation, grading, filling, clearing, or alteration of land.

The subdivision of land as defined in G.S. 160D-802.

The initiation or substantial change in the use of land or the intensity of use of land.

This definition does not alter the scope of regulatory authority granted by G.S. 160D.

DEVELOPMENT APPROVAL. An administrative or quasi-judicial approval made pursuant to this Chapter that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to this G.S. 160D, including plat approvals, permits issued, development agreements entered into, and building permits issued.

DEVELOPMENT REGULATION. A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to G.S. 160D, or a local act or charter that regulates land use or development.

DWELLING. Is subject to the restrictions of G.S. 160D-706(b), any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except for purposes of G.S. 160D Article 12 it does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.

DISTRICT. A zoning district is an area within the town or its extra-territorial areas within which the zoning regulations are uniform.

DUPLEX. A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.

DWELLING, MULTI-FAMILY. A dwelling containing three or more units, including apartment houses, townhouses and condominiums.

DWELLING UNIT. Any building, structure, manufactured home or mobile home, or part thereof, used, and

occupied for human habitation or intended to be so used, and includes any outhouses and accessory structures belonging thereto or usually enjoyed therewith, except that it does not include any manufactured home, mobile home, or recreational vehicle, which is if used solely for a seasonal vacation purpose.

EXTRA-TERRITORIAL AREA. Land under the jurisdiction of this chapter and lying beyond the corporate limits within one mile of the town, as delineated on the official zoning map.

EVIDENTIARY HEARING. A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under G.S. 160D

FAMILY. One or more persons occupying a single dwelling unit; provided that, unless all members are related by blood or marriage, no FAMILY shall contain over five persons; but, further provided that, domestic servants employed on the premises may be housed on the premises without being counted as a FAMILY or FAMILIES.

FAMILY CARE HOME. A home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident persons with disabilities.

FAMILY CHILD CARE HOME. Subject to the regulations of G.S. § 110-86, a child care arrangement with a license from the State of North Carolina and a zoning compliance permit from the Town of Farmville located in a private home where, at any one time, more than two (2), but less than nine (9) children, receive child care.

FARM. An activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber and customarily producing same in sufficient quantity to contribute significantly the operators' livelihood.

FENCE. A hedge, structure or partition erected for the purpose of enclosing an area.

FENCE, WALL, HEDGE - OPEN. A fence that is 50% or more open on its vertical surface to permit the transmission of light, air and vision through a horizontal plane.

FENCE, WALL, HEDGE - SOLID. A fence that is less than 50% open on its vertical surface to permit the transmission of light, air and vision through a horizontal plane.

FRONTAGE. All property abutting one side of a street, measured along the street line.

GARAGES.

(a) **GARAGES, PRIVATE.** An accessory structure to a dwelling designed for the storage of family motor vehicles and in which no business occupation or service is conducted.

(b) **GARAGES, SERVICE.** A business providing motor vehicle mechanical and body repairs and related services.

GOVERNING BODY. The Board of Commissioners.

HOME OCCUPATION. Work for compensation conducted within a dwelling by a person or family residing therein. HOME OCCUPATIONS are extensions of traditional home-making activities and crafts or professions, which are generally only headquartered in the home and do not customarily have regular hours for the public. Customary HOME OCCUPATIONS include, but are not limited to, dressmaking, seamstressing, cooking and baking, quilting, hairdressing, music instructing, renting (but not more than one room to boarders), insurance salesperson, accountants, bookkeepers, consultants and manufacturers' sales representatives.

HOTEL. A commercial structure and business in which sleeping accommodations are provided, including customary accessory use, if they are a physical and integrated part of the principal use. HOTEL includes MOTEL.

INTERNET CAFÉ / GAMING CENTER. Internet café is defined as a physical location which may also operate as a conventional café serving food and drink where one can use a computer with internet access usually for a fee on a monthly, daily, hourly or per minute basis. Also used as gaming center and/or locations to operate sweepstakes or beach bingo.

JUNKYARD. A place of business or establishment which is maintained, operated or used for storing, keeping, buying or selling junk, as defined by G.S. § 136-143(3), including auto graveyard.

LANDOWNER OR OWNER. The holder of the title in fee simple. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals.

LEGISLATIVE DECISION. The adoption, amendment, or repeal of a regulation under this G.S. 160D or an applicable local act. The term also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of Article 10 G.S. 160D.

LEGISLATIVE HEARING. A hearing to solicit public comment on a proposed legislative decision.

LOCAL ACT. As defined in G.S. 160A-1(5).

LOT. A parcel of land intended as a unit for transfer of ownership or for development or both.

LOT, CORNER. A lot abutting a street on two intersecting sides of the lot.

LOT DEPTH. The average distance between front and rear lot lines.

LOT FRONTAGE. The distance between the two side lot lines as measured along the street right-of-way.

LOT OF RECORD. A lot which is part of a subdivision or plat which has been recorded in the office of the Register of Deeds of the county, after any appropriate approvals under town regulations, or a lot described by metes and bounds, the description of which has been so recorded.

LOT WIDTH. The distance between side lot lines measured at the front building line.

LOWER FACADE. The first-story, outer, exposed front surface of a building, or the lower 12 feet of the building front above grade if there is not a clear distinction between grades.

MANUFACTURED / MOBILE HOME. A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Act. For manufactured homes built before June 15, 1976, "manufactured home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width. "Manufactured home" also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length

and over eight feet in width.

MANUFACTURED HOME, CLASS A. A manufactured home constructed after 7-1-1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

- (a) The manufactured home has a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis;
- (b) The manufactured home has a minimum of 1,000 square feet of enclosed living area;
- (c) The pitch of the roof of the manufactured home has a minimum vertical rise of two and two tenths feet for each 12 feet of horizontal run (2.2 feet and 12 feet) and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- (d) All roof structures shall provide an eave projection of no less than six inches, which may include a gutter;
- (e) The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;
- (f) The manufactured home is set up in accordance with the standards set by the State Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall, unpierced, except for required ventilation and access, is installed under the perimeter of the manufactured home;
- (g) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the State Department of Insurance, attached firmly to the primary structure and anchored securely to the ground; and
- (h) The moving hitch, wheels and axles, and transporting lights have been removed. It is the intent of these criteria to ensure that a class A manufactured home, when installed, shall have substantially the appearance of an on-site, conventionally built, single-family dwelling.

(Amended 6-6-1995)

MANUFACTURED HOME, CLASS B. A manufactured home constructed after 7-1-1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, and meet or exceed the criteria in divisions (f), (g) and (h) for class A homes above.

(Amended 6-6-1995)

MODULAR HOME.

A dwelling unit that:

- a) Is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the site on its own chassis;
- b) Is constructed in accordance with the North Carolina Uniform Residential Building Code and bears a seal or label issued by the Department of Insurance pursuant to G.S 143-139.1.;

NIGHTCLUB. A cocktail lounge, tavern, beer hall, dance hall, coffee house, private club or similar establishment offering primarily beverages and music, usually open during the late afternoon, evening and/or early morning hours and typically, but not necessarily, offering alcoholic beverages for sale and consumption.

NON-BULK STORAGE OF LIQUEFIED PETROLEUM: Any tank less than 4000 gallons or an aggregate

of tanks less than 4000 gallons of Liquid Petroleum

NON-CONFORMING LOT. A lot which does not conform to the district regulations in which it is located.

NON-CONFORMING STRUCTURE. A building, mobile home, wall, fence, sign or other structure which does not conform to the regulations of this chapter.

NON-CONFORMING USE. A use of land and/or structure which was a conforming use prior to chapter enactment.

PARK MODEL HOME. A dwelling unit that:

- (a) Is not constructed in accordance with the standards set forth in the State Building Code;
- (b) Is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported on its own chassis; and
- (c) Does not exceed 40 feet in length and eight feet in width.

PERMITTED USE. A use permitted by right in a district, not subject to approval as a special use permit nor prohibited in the district.

PLANNING BOARD. The Planning Board of the Town of Farmville, North Carolina established pursuant to G.S. 160D-301. The Planning Board, also known as the Planning and Zoning Board is established via the Farmville Code of Ordinances, Chapter 31.

PLANNING AND DEVELOPMENT REGULATION JURISDICTION. The geographic area as defined in G.S. 160D-201.

PRINCIPAL BUILDING OR USE. The principal purpose for which the lot or the main structure thereon is designed, arranged, intended or used.

PROPERTY. All real property subject to land-use regulation by a local government. The term includes any improvements or structures customarily regarded as a part of real property.

QUASI-JUDICIAL DECISION. A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

RESTAURANT, DRIVE-IN. A food service establishment whereby food is dispensed directly over the counter and consumed in the vehicle or served directly to customers in vehicles.

RIGHT-OF-WAY. An area dedicated to and/or maintained by the town, chartered public utilities or the state for the placement of roads and/or utilities.

SETBACK; FRONT, SIDE AND REAR. The minimum required distance between the front, side and rear lot line and the building line.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

SHOPPING CENTER. Two or more commercial establishments planned and constructed as a single unit with off-street parking and loading facilities provided on the property.

SIGN. Any device designed to inform, or attract the attention of persons not on the premises on which the sign is located.

SIGN AREA. The total display surface of a sign.

SIGN, GROUND. Signs that extend upward out of the ground.

SIGN, MARQUEE. Signs that appear on extended roofs, such as theater signs.

SIGN, PRINCIPAL USE. A sign which directs attention to a business or other activity conducted exclusively on the premises upon which the sign is located.

SIGN, PROJECTING. Signs that extend outward from the building walls.

SIGN, TEMPORARY. A sign permitted for a period not exceeding 12 months.

SIGNS, OUTDOOR ADVERTISING. Any sign which directs attention to a business, commodity, service, entertainment or other activity conducted, sold or offered elsewhere than on the premises on which the sign is located.

SIGNS, TOTAL AGGREGATE AREA. The total surface of all signs on premises or in a specific area.

SITE PLAN. A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structure on the lot. The site plan may include, but is not limited to site-specific details such as building areas, building height and floor area, setbacks, parking, access points, roads, and stormwater control facilities, that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part up on the plan may also be approved as part of a conditional zoning decision.

SOLAR COLLECTOR, ACCESSORY: A device or structure for which the primary purpose is to convert solar radiant energy into another source for direct power consumption and/or interconnection with the power grid to offset energy consumption of a principal use. The device may be roof-mounted or ground-mounted as an accessory use.

SOLAR FARM. An entire tract or portion of a tract that contains a solar energy power generating system that includes a collection of ground-mounted solar panels and related equipment designed to convert sunlight into electrical power interconnection with the power grid system for off-site consumption.

SPECIAL USE PERMIT. A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits or special exceptions.

STREAM BUFFER. An area of natural or planted perennial vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering pollutants. The BUFFER is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams and rivers.

STREET. A dedicated and accepted public right-of-way for vehicular traffic which provides the principal means of access to abutting properties.

STRUCTURE. Anything constructed or erected, the use of which requires more or less permanent location on the ground, or which is attached to something more or less permanently located on the ground. Among other

things, STRUCTURES include buildings, manufactured housing, walls, fences and signs.

TRAVEL TRAILER. A structure that is:

Intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle); and

Is designed for temporary use as sleeping quarters, but does not satisfy one or more of the definitional criteria of a manufactured home.

UPPER FACADE. The upper story, outer wall of a building, or where there is not a clear distinction between stories, the wall above 12 feet in height.

VARIANCE. A device which grants a property owner relief from certain provisions of this chapter to relieve him or her from a particular hardship, in particular, relief from dimensional requirements.

YARD. A required open space on the same lot with a building or structure(s) unoccupied and unobstructed from the ground upward, except by trees, shrubbery, landscaping features or other exceptions specified in this chapter.

YARD, FRONT. A yard from the front line of the principal building to the street right-of- way or front property line extending across the full width of the lot.

YARD, REAR. A yard from the rear line of the principal building to the rear lot line and extending across the full width of the lot.

YARD, SIDE. A yard from the side line of the principal building to side lot line(s) and extending from the front yard to the rear yard.

ZONING MAP AMENDMENT OR REZONING. An amendment to a zoning regulation for the purpose of changing the zoning district that is applied to a specified property or properties. The term also includes (i) the initial application of zoning when land is added to the territorial jurisdiction of a local government that has previously adopted zoning regulations and (ii) the application of an overlay zoning district or a conditional zoning district. The term does not include (i) the initial adoption of a zoning map by a local government, (ii) the repeal of a zoning map and readoption of a new zoning map for the entire planning and development regulation jurisdiction, or (iii) updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the district.

DISTRICT REGULATIONS

§ 157.020 ESTABLISHMENT OF DISTRICTS.

(A) District regulations setting forth permissible uses and establishing area and bulk requirements for the use of land and buildings are hereby enacted.

(B) These regulations are adopted as requirements for the entire zoning jurisdiction of the town, each part of which shall be classified according to one of the districts set forth below and regulated according to the uniform requirements of that district.

(C) These districts (classifications) shall be delineated on the official zoning map and be designated by their abbreviated name as well as their full titles.

§ 157.021 BOUNDARY INTERPRETATION.

When uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply.

(A) Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines or railroad right-of-way lines or the lines extended, the centerlines, street lines or railroad right-of-way lines shall be construed to be the boundaries.

(B) Where district boundaries are so indicated that they approximately follow lot lines, the lot lines shall be construed to be the boundaries.

(C) Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets, highways or railroads, or rights-of-way of same, the district boundaries shall be construed as being parallel thereto and at the distance therefrom as indicated, and shall be determined by the use of the scale shown on the zoning map.

(D) Where a district boundary line divides a lot in single ownership the district requirements for the least restricted portion of the lot shall be deemed to apply to the whole thereof; provided that, the extensions shall not include any part of a lot more than 35 feet beyond the district boundary line.

§ 157.022 RA-20 RESIDENTIAL-AGRICULTURAL DISTRICT.

(A) *Purpose.* This district is designed for residential and agricultural purposes, in a rural or near-rural setting, and is intended to ensure that residential development with or without access to public water and/or sewers may take place in manner which provides a healthful environment. This district is designed to primarily govern land use in areas of the zoning jurisdiction least developed for urban purposes. This district also permits certain service and public uses which are common to a more rural setting, or have large land area requirements, or benefit from a low- density setting.

(B) *Permitted uses.*

- (1) Single-family dwellings;
- (2) Agricultural and horticultural operations, including the sale of produce at roadside stands;
- (3) Churches and their customary accessory uses;
- (4) Public and private cemeteries;
- (5) Public and private parks, playgrounds, community centers, golf courses, swimming pools and similar recreation uses;

- (6) Home occupations specifically listed in the definition thereof;
- (7) Accessory uses and structures;
- (8) Manufactured home overlay areas.

(a) *Purpose.* In accordance with the comprehensive plan and based on local housing needs, and as authorized by G.S. § 160D-9101(e), manufactured home, class A overlay areas, manufactured home, class B overlay areas may be established. The overlay areas may not consist of an individual lot or scattered lots, but shall consist of a defined area within which additional requirements or standards are placed upon manufactured homes. The intent of this approach is to allow manufactured homes in parts of a zoning jurisdiction where they would not otherwise be allowed, subject to appropriate conditions. The Town Commissioners will give close consideration to whether manufactured homes would be compatible with surrounding land uses.

(b) *Designation.*

1. Manufactured home class A (MH class A) and manufactured home class B (MH class B) overlay areas are authorized as areas which overlay or overlap existing zoning districts, the extent and boundaries of which are or may be indicated on the zoning map by adoption of a separate ordinance by the Town Commissioners, usually upon later request.

2. These provisions create the mechanism, which may from time to time be used by the Town Commissioners in designating the areas.

3. In addition to other permitted uses, class A manufactured homes shall be permitted in the MH class A overlay area. Class A and class B manufactured homes shall be permitted in the MH class B overlay area. All other applicable requirements, including, but not limited to, setback and accessory structure requirements, also shall apply to manufactured homes allowed in overlay areas.

(c) *Zoning compliance documents.*

1. After Town Commissioners approval of a designated overlay zone, a zoning compliance permit must be secured from the Code Enforcement Officer before a class A or class B manufactured home may be placed on a lot. A building permit must also be secured. The building permit shall state all applicable conditions and requirements and state that any violations will be subject to appropriate enforcement action. Once installation and construction is complete and necessary inspections have been performed, and before occupancy and use, a certificate of occupancy must be secured. The certificate shall state that the property owner is responsible for assuring that all applicable conditions and requirements continue to be satisfied, and that appropriate enforcement actions will be taken if violations occur.

2. These permits shall be in addition to all other necessary permits.

(9) Animal hospitals; provided, divisions (B)(10)(a) through (B)(10)(e) below are met:

- (a) Indoor runs (inside animal storage);
- (b) Minimum lot size of 65,340 square feet;
- (c) A six-foot high planted buffer shall be provided along the perimeter of the rear and side of the site;

(d) Setbacks shall not be less than 50 feet on side yard and rear yards. Front yard setbacks shall not be less than that of the zoning classification of the property; and

(e) A solid fence shall surround all areas used for outdoor walk areas.

(10) Town owned well sites, above ground water storage tanks, lift stations, pump stations and electrical substations;

(11) Demolition landfill overlay area (RA-20 LF).

(a) In accordance with the comprehensive plan and local needs, demolition landfill overlay may be established. Demolition debris landfills shall be used only for the purpose of storing demolition debris (i.e., wood, brick, block, sheet rock, plaster and shingles);

(b) Shall be buffered on all sides not less than 200 feet from adjacent properties, and not less than 500 feet from residential property; and

(c) Shall not be located within the 100-year flood zone.

(12) Dog kennels.

(13) Solar Collector, Accessory

(a) Must be located on same parcel as principal structure

(b) Must be located in the rear or side yard of a property if property is less than one (1) acre in size.

(c) Solar Collectors may be:

a. Roof-Mounted on a code-compliant structure, provided panels are on

i. Rear-Facing Sloped Roofs

ii. Flat Roofs

iii. Other Roof Locations may be allowed by a Special Use Permit by the Board of Adjustment, subject to meeting all additional requirements of 157.022 (B) (13).

b. Ground-Mounted on an area of up to 25% of the footprint of the principal structure on the parcel, but no more than 1 acre

(d) Must meet Setbacks as established in § 157.071

(e) *Height Limitations*

a. Roof Mounted – Panels must be flush mounted (1' or less from roof plane).

b. Ground-Mounted – 10' Maximum Height

(f) *System Mounting Building Materials.* All System Mounting equipment must be constructed of either metal or steel.

(g) *Buffer Screening.* Except where natural vegetation already exists, vegetated buffers sufficient to fully screen the ground-mounted solar collectors shall be planted along all sides adjoining properties zoned or developed for residential use.

(14) Family Child Care Homes

(15) Backyard workshops for craftsmen and skilled technicians or repairers provided that uses and outdoor storage meets criteria specified in 157.065.

(C) *Special use permits.*

(1) (a) Mobile home parks, upon findings that:

1. Their placement and use will not have a substantial adverse effect upon the value or enjoyment of adjoining residential area; and

2. This form of housing appears necessary to adequately meet the demand for sound housing in the community.

(b) Permission for this use shall be conditional upon continuing compliance with the Ch. 153 of this code of ordinances or other town code provisions relating thereto.

(2) Day care centers, upon a finding that the activities at the location will not have adverse effect upon the enjoyment of adjoining properties, and upon the condition that the play and fenced area comply with state day care center requirements;

(3) Schools, upon a finding that adequate thoroughfare access exists to prevent undue traffic congestion and upon the condition that site plans be submitted;

(4) Airports, upon findings that they will not create substantial noise or other significant adverse environmental conditions affecting nearby residents, schools and businesses;

(5) Governmental and public utilities buildings and uses, such as sewage lift stations, pump stations, electrical substations, water wells, fire stations, maintenance or operations center, and community centers upon a finding that they will not create excessive noise, odor, smoke, dust or other adverse impacts which might prove detrimental to surrounding developed property and uses, and including plans for buffering adjacent properties;

(6) Hospitals, homes for the elderly, convalescent homes, orphanages upon findings that low density setting is necessary to the purpose or operation of the facility and that adequate thoroughfare access exists to prevent undue traffic congestion. Permission for these uses shall be conditional upon submission of site plans. Lot sizes shall be no less than two acres and structures shall be conditional: observance of yard space requirements at least 25 feet greater than required for single-family residences within the district, or as required by statute;

(7) Assembly buildings and lodges of civic clubs, fraternal organizations, professional associations, service organizations and private membership clubs, upon findings that the use will not detrimentally affect the use and enjoyment of nearby properties and that a low density setting significantly enhances the purpose of the facility. Examples of such uses, are: Ruritan Clubs, scout huts, wildlife clubs, country clubs and veterans' clubs; and

(8) Manufactured homes during construction of a new single-family residence under the following conditions:

(Added 2-5-2002)

(a) Permissible only after issuance of building permit for a period not to exceed 360 days (no extensions permitted);

(b) Manufactured homes can only be setup after permit for new construction is obtained, footings inspected and poured;

(c) The property owner must provide a financial assurance in an amount sufficient to cover the removal costs of the manufactured home in one of the following methods:

1. Irrevocable letter of credit from a FDIC-insured lending institution;
2. Performance bond;
3. Setup a joint escrow account with the town; and
4. Town be listed as the first lien holder on the home.

(d) No certificate of occupancy will be issued for the new home until removal of the manufactured home; and

(e) Property owner must sign agreement detailing the aforementioned requirements.

(D) *Existing manufactured homes.* Existing manufactured homes in the RA-20 zoning district as of 6-6-1995 that are not included in the MH class A overlay district shall remain conforming uses until the time as they remain vacant for a period of 180 days. These existing manufactured homes can be replaced if damaged, destroyed or become obsolete, but must be replaced with a manufactured home of the same designated class (A or B) and class C shall be replaced with class A or B.

(E) *Tattoo parlors.*

(1) Tattoo parlors, upon a finding that the activities at the location will not have an adverse effect upon the enjoyment of adjoining properties.

(2) Tattoo parlors must not be located closer than 2,000 feet from another such business.

(3) No exterior sign larger than two square feet and not more than one sign shall be located on the property.

(F) Duplex.

157.023 R-15 RESIDENTIAL DISTRICT.

(A) *Purpose.* R-15 residential district is intended to be a quiet low density neighborhood of single-family residences along with limited private and public community uses. This district is designed for areas with access to public water or sewer.

(B) *Permitted uses.*

- (1) Single-family dwellings;
- (2) Churches and related uses;
- (3) Accessory use and structures; and
- (4) Town owned well sites, above ground water storage tanks, lift stations, pump stations and electrical substations.
- (5) Solar Collector, Accessory
 - (a) Must be located on same parcel as principal structure
 - (b) Must be located in the rear or side yard of a property
 - (c) Solar Collectors may be:
 - c. Roof-Mounted on a code-compliant structure provided panels are on

- i. Rear-Facing Sloped Roofs
 - ii. Flat Roofs
 - iii. Other Roof Locations may be allowed by a Special Exception Permit by the Board of Adjustment, subject to meeting all additional requirements of 157.022 (B) (13).
- d. Ground-Mounted on an area of up to 25% of the footprint of the principal structure on the parcel, but no more than 1 acre
- (d) Must meet Setbacks as established in § 157.071
- (e) *Height Limitations*
 - c. Roof Mounted – Panels must be flush mounted (1’ or less from roof plane).
 - d. Ground-Mounted – 10’ Maximum Height
- (f) *System Mounting Building Materials*. All System Mounting equipment must be constructed of either metal or steel.
- (g) *Buffer Screening*. Except where natural vegetation already exists, vegetated buffers sufficient to fully screen the ground-mounted solar collectors shall be planted along all sides adjoining properties zoned or developed for residential use.

(C) *Special use permits*

- (1) Schools, upon a finding that adequate thoroughfare access exists to prevent undue traffic congestion and upon the condition that site plans be submitted; and
- (2) Bingo fundraising.
- (3) Family Child Care Home or Day Care Centers, upon a finding that the activities at the location will not have adverse effect upon the enjoyment of adjoining properties and upon the conditions that the play and fenced area comply with state day care center requirements.

§ 157.025 R-8 RESIDENTIAL DISTRICT.

(A) *Purpose*. This district is designed for medium to high-density single-family and multi-family development.

(B) *Permitted uses*.

- (1) Single-family;
- (2) Churches and related uses;
- (3) Parks, playgrounds and community centers operated on a non-commercial or non-profit basis for recreational purposes only;
- (4) Accessory uses and structures;
- (5) Home occupations; and
- (6) Town owned well sites, above ground water storage tanks, lift stations, pump stations and electrical substations.
- (7) Solar Collector, Accessory
 - (a) Must be located on same parcel as principal structure
 - (b) Must be located in the rear or side yard of a property
 - (c) Solar Collectors may be:
 - e. Roof-Mounted on a code-compliant structure provided panels are on
 - i. Rear-Facing Sloped Roofs

- ii. Flat Roofs
- iii. Other Roof Locations may be allowed by a Special Exception Permit by the Board of Adjustment, subject to meeting all additional requirements of 157.022 (B) (13).
- f. Ground-Mounted on an area of up to 25% of the footprint of the principal structure on the parcel, but no more than 1 acre
- (d) Must meet Setbacks as established in § 157.071
- (e) *Height Limitations*
 - e. Roof Mounted – Panels must be flush mounted (1’ or less from roof plane).
 - f. Ground-Mounted – 10’ Maximum Height
- (f) *System Mounting Building Materials*. All System Mounting equipment must be constructed of either metal or steel.
- (g) *Buffer Screening*. Except where natural vegetation already exists, vegetated buffers sufficient to fully screen the ground-mounted solar collectors shall be planted along all sides adjoining properties zoned or developed for residential use.

(C) *Special use permits.*

(1) Public works and public utilities facilities such as distribution lines, transformer stations, transmission lines and towers, electric substations, water tanks and towers, and telephone stations; provided, the facilities are essential for the service of the immediate area; and, further provided that, no vehicles or other non-essential equipment are located on the premises and that no offices shall be permitted. The entire lot so used shall be properly landscaped and furnished with a densely planted buffer of at least six feet in height.

(2) Family child care home or Day care center, upon a finding that the activities at the location will not have adverse effect upon the enjoyment of adjoining properties and upon the condition that the play and fenced areas comply with state day care center requirements.

(3) Fire stations and related emergency facilities;

(4) Schools, upon a finding that adequate thoroughfare access exists to prevent undue traffic congestion and upon the condition that site plans be submitted; and

(5) Multi-family dwellings may be allowed by a special-use permit by the Planning Board subject to the following regulations. For Planning Board review, the owner must provide a site plan of the property showing the location and dimensions of the residences, accessory buildings, buffers, parking areas and proposed signs.

(a) Multi-family structures will only be allowed on properties that meet § 157.071.

(b) Off-street parking required: Off-street automobile parking or storage space shall be provided for every dwelling. Parking spaces may be provided in a parking garage or in a properly graded and improved open space. Remote parking lots are not permitted in residential districts. Each automobile parking space shall not be less than 200 square feet (ten feet wide and 20 feet deep) in an area exclusive of adequate access drives and maneuvering space. Required parking areas must have vehicular access to a street or alley; the access shall not be thereafter encroached upon or altered.

(c) When a multi-family residence is next to a single-family residence, a densely planted buffer strip at least eight feet in height shall be planted and maintained along the shared property line. A fence of at least six feet in height may be allowed upon Planning Board approval.

(d) There shall be no exterior display, no exterior sign larger than two square feet and not more than one sign.

(e) No exterior storage of materials and no other exterior indication or variation from the residential character of the neighborhood.

(f) Prior to leasing dwellings, the owner shall obtain an appropriate certificate of occupancy from the Code Official. To apply for the certificate, the owner shall provide a floor plan of the residence showing the location and dimensions of the residences and also showing the location of fire exits, fire alarms, fire extinguishers and any other safety features as required by state or local code.

(g) The multi-family structure shall meet all applicable local and state inspections, licensing and permit requirements.

(6) Public and private cemeteries, upon approval of site plans and a finding that thoroughfare access and off-street parking are adequate to prevent traffic congestion.

(7) Bed and Breakfast

(8) Governmental and public utilities buildings and uses, such as sewage lift stations, pump stations, electrical substations, water wells, fire stations, maintenance or operations centers, and community centers, upon a finding that they will not create excessive noise, odor, smoke, dust, or other adverse impacts which might prove detrimental to surrounding developed properties and uses and including plans for buffering of adjacent properties.

§ 157.026 R-5 RESIDENTIAL DISTRICT.

(A) *Purpose.* This district is designed for high-density residential purpose, including small lot single-family dwellings and multi-family dwellings.

(B) *Permitted uses.*

(1) Single-family dwellings;

(2) Churches and customary related uses;

(3) Parks, playgrounds, community centers, swimming pools and similar recreational uses, except athletic fields and courts larger than 15,000 square feet;

(4) Libraries;

(5) Home occupations;

(6) Accessory uses and structures; and

(7) Town owned well sites, above ground water storage tanks, lift stations, pump stations and electrical substations.

(8) Solar Collector, Accessory

(a) Must be located on same parcel as principal structure

(b) Must be located in the rear or side yard of a property

(c) Solar Collectors may be:

g. Roof-Mounted on a code-compliant structure provided panels are on

i. Rear-Facing Sloped Roofs

ii. Flat Roofs

iii. Other Roof Locations may be allowed by a Special Exception Permit by the Board of Adjustment, subject to meeting all additional requirements of 157.022 (B) (13).

- h. Ground-Mounted on an area of up to 25% of the footprint of the principal structure on the parcel, but no more than 1 acre
- (d) Must meet Setbacks as established in § 157.071
- (e) *Height Limitations*
 - g. Roof Mounted – Panels must be flush mounted (1' or less from roof plane).
 - h. Ground-Mounted – 10' Maximum Height
- (f) *System Mounting Building Materials*. All System Mounting equipment must be constructed of either metal or steel.
- (g) *Buffer Screening*. Except where natural vegetation already exists, vegetated buffers sufficient to fully screen the ground-mounted solar collectors shall be planted along all sides adjoining properties zoned or developed for residential use.

(C) *Special use permits*.

- (1) Duplex
- (2) Family Care Home or day care center, upon a finding that the activities at the location will not have adverse effect upon the enjoyment of adjoining properties and upon the conditions that the play and fenced area comply with state day care center requirements;
- (3) Schools, upon a finding that adequate thoroughfare access exists to prevent undue traffic congestion and upon the condition that site plans be submitted;
- (4) Governmental and public utilities buildings and uses, such as sewage lift stations, pump stations, electrical substations, water wells, fire stations, maintenance or operations centers, and community centers, upon a finding that they will not create excessive noise, odor, smoke, dust or other adverse impacts which might prove detrimental to surrounding developed property and uses, and including plans for buffering of adjacent properties;
- (5) Public and private cemeteries, upon approval of site plans and a finding that thoroughfare access and off-street parking are adequate to prevent traffic congestion;
- (6) Athletic fields and courts occupying more than 15,000 square feet, upon a finding that noise, illumination and/or traffic are not likely to result to an extent which would materially affect quiet enjoyment of residential properties;
- (7) Schools of art, dance, drama and music, upon a finding that noise and other factors will not adversely affect enjoyment of residential properties; and, adequate off-street parking and passenger loading space has been provided to prevent congestion of the streets;
- (8) Rooming and boarding houses;
- (9) Bed and breakfast inn, bed and breakfast homes;
- (10) Multi-family dwellings may be allowed by a special-use permit by the Board of Adjustment subject to the following regulations. For Board of Adjustment review, the owner must provide a site plan of the property showing the location and dimensions of the residences, accessory buildings, buffers, parking areas and proposed signs.
 - (a) Multi-family structures will only be allowed on properties that meet § 157.071.
 - (b) Off-street parking required: off-street automobile parking or storage space shall be provided for every dwelling. Parking spaces may be provided in a parking garage or in a properly graded and improved open space. Remote parking lots are not permitted in residential districts. Each automobile parking space shall not be less than 200 square feet (ten feet wide and 20 feet deep) in an area exclusive of adequate access

drives and maneuvering space. Required parking areas must have vehicular access to a street or alley; the access shall not be thereafter encroached upon or altered.

(c) When a multi-family residence is next to a single family residence, a densely planted buffer strip at least eight feet in height shall be planted and maintained along the shared property line. A fence of at least six feet in height may be allowed upon Planning Board approval.

(d) There shall be no exterior display, no exterior sign larger than two square feet and not more than one sign.

(e) No exterior storage of materials and no other exterior indication or variation from the residential character of the neighborhood.

(f) Prior to leasing dwellings, the owner shall obtain an appropriate certificate of occupancy from the Code Official. To apply for the certificate, the owner shall provide a floor plan of the residence showing the location and dimensions of the residences and also showing the location of fire exits, fire alarms, fire extinguishers and any other safety features as required by state or local code.

(g) The multi-family structure shall meet all applicable local and state inspections, licensing and permit requirements.

(11) Funeral homes.

(12) Accounting/Tax Preparation Office may be allowed by a Special Use Permit by the Board of Adjustment subject to the following regulations:

(a) Structure can't be used for residential purpose

§ 157.027 R-M.H. RESIDENTIAL MANUFACTURED HOUSING DISTRICT.

(A) *Purpose.* This district is designed for high-density residential purposes for manufactured housing located on individual lots and in manufactured home parks and other uses which would not be detrimental to the residential nature of the district.

(B) *Permitted uses.*

(1) Single-family manufactured housing on individual lots;

(2) Single-family manufactured housing in manufactured home parks developed in accordance with Ch. 153 of the town code;

(3) Churches and customary related uses;

(4) Home occupation;

(5) Parks, playgrounds, community centers, swimming pools and similar recreation uses, except athletic fields and courts larger than 15,000 square feet;

(6) Accessory uses and structures; and

(7) Town owned well sites, above ground water storage tanks, lift stations, pump stations and electrical substations.

(8) Solar Collector, Accessory

(9) Family Child Care Home

- Minimum lot size for Family Child Care Home permitted by right is 20,000 square feet.

(C) *Special use permits.*

- (1) Family Child Care Home on lots with a minimum size less than 20,000 square feet.
- (2) Day care centers, upon a finding that the activities at the location will not have adverse effect upon the enjoyment of adjoining properties and upon the condition that the play and fenced area comply with state day care center requirements;
- (3) Convenience commercial uses located within manufactured home parks in accordance with Ch. 153 of the town code;
- (4) Athletic fields and courts occupying more than 15,000 square feet, upon a finding that noise, illumination and/or traffic would not materially affect quiet enjoyment of residential properties;
- (5) Governmental and public utilities buildings and uses such as sewage lift stations, pump stations, electrical substations, water wells, fire stations, maintenance or operations centers, and community centers upon a finding that they will not create excessive noise, odor, smoke, dust or other adverse impacts which might prove detrimental to surrounding developed property and uses, and including plans for buffering adjacent properties; and
- (6) Schools, upon a finding that adequate thoroughfare access exists to prevent undue traffic congestion and upon the condition that site plans be submitted.

§ 157.028 R-MF RESIDENTIAL MULTI-FAMILY DISTRICT.

(A) *Purpose.* This district is designed for high density, multi-family residential uses and such other uses which would not be detrimental to the residential nature of the district.

(B) *Permitted uses.*

- (1) Multi-family units;
- (2) Churches and customary related uses;
- (3) Home occupation;
- (4) Parks, playgrounds, community centers, swimming pools and similar recreation uses, except athletic fields and courts larger than 15,000 square feet;
- (5) Accessory uses and structures; and
- (6) Town owned well sites, above ground water storage tanks, lift stations, pump stations and electrical substations.

(C) *Special use permits.*

- (1) Family child care homes and day care centers, upon a finding that the activities at the location will not have adverse effect upon the enjoyment of adjoining properties, and upon the condition that the play and fenced area comply with state day care center requirements;
- (2) Athletic fields and courts occupying more than 15,000 square feet, upon a finding that noise, illumination, and/or traffic would not materially affect quiet enjoyment of residential properties;
- (3) Governmental and public utilities buildings and uses, such as sewage lift stations, pump stations, electrical substations, water wells, fire stations, maintenance or operations centers, and community centers, upon a finding that they will not create excessive noise, odor, smoke, dust or other adverse impacts which

might prove detrimental to surrounding developed property and uses, and including plans for buffering adjacent properties; and

(4) Schools, upon a finding that adequate thoroughfare access exists to prevent undue traffic congestion and upon the condition that site plans be submitted.

§ 157.031 CBD CENTRAL BUSINESS DISTRICT.

(A) *Intent.* This district is designed to provide for a central, pedestrian-oriented concentration of retailing, personal services, public uses and office uses. The district provides for compact development of a wide variety of medium intensity, public-oriented uses to create a convenient and varied shopping area for citizens and a focal point of activity for the community. The regulations of the district are also designed to protect the historic character of the central business area and protect its historic value. There shall be no non-commercial operations located in this zoning district if the buildings are connected by a common wall.

(B) *Permitted uses.*

- (1) Alcoholic beverage (ABC) stores;
- (2) Amusement arcades and game rooms;
- (3) Antique shops;
- (4) Appliance sales and repairs;
- (5) Art and school supply stores;
- (6) Art galleries and studios;
- (7) Auto parts and accessories sales;
- (8) Bakeries;
- (9) Banks and other financial institutions;
- (10) Barber and beauty shops;
- (11) Bicycle sales and repairs;
- (12) Book and stationery stores;
- (13) Camera and photography supplies stores;
- (14) Candy and ice cream shops;
- (15) Carpet, rug and linoleum stores;
- (16) ;
- (17) Churches and customary related uses;
- (18) Craft and novelty stores;
- (19) Delicatessens;
- (20) Department stores;
- (21) Fish and meat markets;
- (22) Florists;

- (23) Funeral homes;
- (24) Furniture stores;
- (25) Garden supplies stores;
- (26) Gift shops;
- (27) Government offices, assembly halls, services and amenities;
- (28) Grocery stores;
- (29) Gunsmiths;
- (30) Hardware stores;
- (31) Hobby shops;
- (32) Hotels;
- (33) Jewelry stores;
- (34) Libraries;
- (35) Locksmiths;
- (36) Lodges and offices of fraternal, civic, professional, service organizations;
- (37) Medical and dental offices;
- (38) Music and musical instrument shops;
- (39) Newspaper publishing;
- (40) Newsstands;
- (41) Nightclubs;
- (42) Offices - business, financial, government, professional;
- (43) Office equipment and supplies sales;
- (44) Opticians and optometrists;
- (45) Paint and wallpaper stores;
- (46) Parking lots and garages;
- (47) Pawnshops;
- (48) Pet shops (indoor only);
- (49) Pharmacies;
- (50) Photographic studios;
- (51) Physical fitness and health services establishments;
- (52) Picture framing shops;
- (53) Printers;
- (54) Private clubs;

- (55) Radio and television broadcasting;
- (56) Restaurants;
- (57) Retail and service businesses similar to other permitted uses and enclosed in a building;
- (58) Second hand stores and swap shops;
- (59) Schools of art, dance and music;
- (60) Seed and feed stores;
- (61) Sewing machine stores;
- (62) Shoe sales and repair shops;
- (63) Sporting goods stores;
- (64) Tailors and seamstresses;
- (65) Taxi stands;
- (66) Theaters (indoor);
- (67) Ticket agencies and travel bureaus;
- (68) Tobacco groups;
- (69) Toy stores;
- (70) Trade schools;
- (71) Variety stores;
- (72) Wearing apparel shops;
- (73) Customary accessory uses;
- (74) Multi- and single-family dwellings, subject to the following requirements:
 - (a) Minimum non-ground level building floor area of 1,000 square feet per residential unit;
 - (b) All residential usage shall be on second floor or higher levels of buildings;
 - (c) All ground floor space shall be developed for commercial, non-residential uses, as

permitted in the central business district;

(d) If a building permit is obtained for exterior renovation, no renovation shall proceed until any plastic, aluminum or other metal system covering the original exterior of the building is removed;

(e) The building exterior shall be restored to its original appearance as closely as reasonably possible;

(f) Existing door or window openings shall not be closed, nor shall unique architectural features (as defined by the Secretary of the Interior's Standards for Rehabilitating Historic Buildings) such as cornices, mid-cornices and window surroundings be removed, except to be replaced with elements of like design; and

(g) If metal canopies are retained, at least the visible edges must be covered with canvas; new canopies or awnings shall be made of canvas or plans for projects which qualify for and have been certified eligible for an investment tax credit, as defined by § 251 of the Tax Reform Act of 1986 (IRC §§ 46 and 48).

(75) Convenience stores with gasoline sales;

(76) Town owned well sites, above ground water storage tanks, lift stations, pump stations and electrical substations; and

(77) Micro-Distillery/Micro-Brewery/Micro-Winery:

(a) Except for loading, all activities must occur within a building;

(b) Maximum floor area may not exceed 20,000 square feet;

(c) Must obtain all applicable ABC permits;

(d) Shall not produce odors, gas, dust, or any other atmospheric pollutant detrimental to the health, safety or general welfare of persons living or working in the surrounding area;

(e) The facility must include a tasting room, restaurant, or incorporate tours;

(C) *Special use permits.*

(1) Dwellings, upon findings by the Board of Adjustments that:

(a) Residential use of the property will not adversely affect the district by occupying commercial land needed for the district's economic vitality; and

(b) Residential use of the property will either assist the economic health of the district by providing consumer support or will help maintain a significant historical or architectural resource.

(2) Automobile service stations and tire services, upon findings that this use of the land will not adversely dilute the concentration of shopping opportunities, and that adequate safeguards and space will be provided for safe ingress, egress and temporary storage of vehicles. All repairs must be performed within a building;

(3) Drive-in banks, upon a finding that adequate off-street movement and standing space will be provided for vehicles being served and waiting to be served;

(4) Governmental and public utilities buildings and uses, such as sewage lift stations, pump stations,

electrical substations, water wells, maintenance or operations centers, and community centers, upon a finding that they will not create excessive noise, odor, smoke, dust or other adverse impacts which might prove detrimental to surrounding developed property and uses, and including plans for buffering of adjacent properties; and

(5) Shopping centers, upon a finding that the center will complement and contribute to the economic vitality of the district.

(a) *Buffer strips.* A densely planted buffer strip at least eight feet in height shall be planted and maintained along the rear and side yards of any residential district but shall not extend beyond the front building line of adjacent residential lots.

(b) *Service areas.* All uses shall provide adequate areas for bulk storage of solid waste and for placement of heating, cooling and similar facilities on the premises.

§ 157.032 GB GENERAL BUSINESS DISTRICT.

(A) *Purpose.* This district provides an area for conduct of a wide range of commercial activities, most of which are normally enclosed within a building, but some of which are more intense than central business uses and involve some outdoor sales or storage. The general business district shall normally be used for shopping areas and shopping centers subordinate to the central business district or incorporating a more vehicle-oriented range of services. There shall be no non-commercial operations located in this zoning district if the buildings are connected by a common wall.

(Amended 4-1-2008)

(B) *Permitted uses.*

- (1) All uses permitted by right in the central business district.;
- (2) Assembly halls, coliseums, gymnasiums and similar facilities;
- (3) Auction sales (not livestock);
- (4) Automobile service stations;
- (5) Garages;
- (6) Automobile and truck rentals;
- (7) Automobile washing facilities;
- (8) Bowling alleys;
- (9) Family Child Care Homes
- (10) Day Care Centers
- (11) Drive-in banks;
- (12) Dry cleaning stores and plants;
- (13) Garden supplies sales, including outdoor;
- (14) Motels;
- (15) Shopping centers, upon approval of the site plan by the Planning Board;

- (16) Skating rinks;
- (17) Tire recapping and retreading;
- (18) Transit terminals for passengers and light freight;
- (19) Vocational trade schools;
- (20) Glass shops;
- (21) Other retail business or service facilities conducted primarily within a building;
- (22) Customary accessory uses;
- (23) Dealerships;
- (24) Convenience stores with gasoline sales; and
- (25) Town owned well sites, above ground water storage tanks, lift stations, pump stations and electrical substations.

(26) Micro-Distillery/Micro-Brewery/Micro-Winery:

- (a) Except for loading, all activities must occur within a building;
- (b) Must have an off-street or alley loading area;
- (c) Maximum floor area may not exceed 20,000 square feet;
- (d) Must obtain all applicable ABC permits;
- (e) Shall not produce odors, gas, dust, or any other atmospheric pollutant detrimental to the health, safety or general welfare of persons living or working in the surrounding area;
- (f) The facility must include a tasting room, restaurant, or incorporate tours;

(27) Non-Bulk Storage of Liquefied Petroleum – Accessory Use

(C) *Special use permits.*

(1) Governmental and public utilities buildings and uses, such as sewage lift stations, pump stations, electrical substations, water wells, fire stations, maintenance or operations centers, and community centers, upon a finding that they will not create excessive noise, odor, smoke, dust or other adverse impacts which might prove detrimental to surrounding developed property and uses, and including plans for buffering of adjacent properties; and

(2) Residential uses.

(3) Non-Bulk Storage of Liquefied Petroleum – Primary Use

- (a) *Buffer strips.* A densely planted buffer strip at least eight feet in height shall be planted and maintained along the rear and side yards of any residential district, but shall not extend beyond the front building line of adjacent residential lots.
- (b) *Service areas.* All uses shall provide adequate areas for bulk storage of solid waste and for placement of heating, cooling and similar facilities on the premises.

§ 157.033 HB HIGHWAY BUSINESS DISTRICT.

(A) *Intent.* This district is intended to provide for commercial areas to be located on highways and major thoroughfares in the community. The uses allowed in this district are primarily retail trade or service establishments dependent on the traffic volume or transportation access characteristics of highways and major thoroughfares or high intensity commercial uses located on high traffic routes to avoid conflict with less intense land uses. Although this district is expressly designed for location along major thoroughfares it is intended that these uses should be clustered in nodes as much as possible to limit the number of highway access points and prevent undesirable strip development.

(B) *Permitted uses.*

- (1) Alcoholic beverage (ABC) stores;
- (2) Animal hospitals and kennels;
- (3) Antique sales;
- (4) Appliance stores;
- (5) Assembly halls, coliseums, gymnasiums and similar facilities;
- (6) Athletic facilities, such as stadiums and ballparks;
- (7) Dealerships;
- (8) Automobile service stations and garages;
- (9) Auto parts and accessories sales;
- (10) Auto upholstery shop;
- (11) Automobile washing facilities;
- (12) Bakeries and food products, wholesale;
- (13) Bicycle and motorcycle sales and repair;
- (14) Boat sales and repair;
- (15) Building supply and home improvement stores;
- (16) Cabinetmaking, woodworking and upholstery shops;
- (17) Circuses, carnivals and revivals;
- (18) Commercial amusements;
- (19) Contractors' offices and storage yards, provided requirements of division (G) below are met;
- (20) Customary accessory uses;
- (21) Dairy bars and pastry shops;
- (22) Family Child Care Homes
- (23) Day Care Centers
- (24) Drive-in theaters;

(25) Electrical supplies and equipment sales and repairs, provided requirements of division (G) below are met;

(26) Farm and garden supplies stores;

(27) Farm implement and equipment sales and repair;

(28) Farmers markets and produce stands;

(29) Freezer storage lockers;

(30) Funeral homes;

(31) Industrial supplies and equipment sales;

(32) Machine and welding shops;

(33) Mobile home sales lots;

(34) Monument works and sales;

(35) Motels;

(36) Plant nurseries and greenhouses;

(37) Plumbing and heating supplies and equipment sales, provided requirements of division (G) below are met;

(38) Radio and television stations;

(39) Real estate sales and rentals;

(40) Restaurants, including drive-in and fast food;

(41) Second hand stores and flea markets;

(42) Sheet metal shop;

(43) Sign painters;

(44) Tire service, recapping, retreading;

(45) Transportation terminals;

(46) Wholesale and warehousing facilities provided requirements of division (G) below are met;

(47) Nursing homes, adult day care facilities, rest homes and similar uses;

(48) Shopping centers;

(49) Churches and customary related uses;

(50) Barber and beauty shops;

(51) Convenience stores with gasoline sales; Town owned well sites, above ground water storage tanks, lift stations, pump stations and electrical substations;

(52) Micro-Distillery/Micro-Brewery/Micro-Winery:

(a) Maximum floor area may not exceed 20,000 square feet;

(b) Must have an off-street or alley loading area;

- (c) Must obtain all applicable ABC permits;
 - (d) Shall not produce odors, gas, dust, or any other atmospheric pollutant detrimental to the health, safety or general welfare of persons living or working in the surrounding area;
- (53) Garages, Implement repairs and dealerships; and
- (54) dairy products processing and distributing facilities
- (55) Non-Bulk Storage of Liquefied Petroleum – Accessory Use

(C) *Special use permits.*

(1) Governmental and public utilities buildings and uses, such as sewage lift stations, pump stations, electrical substations, water wells, fire stations, maintenance or operations centers, and community centers, upon a finding that they will not create excessive noise, odor, smoke, dust or other adverse impacts which might prove detrimental to surrounding developed property and uses, and including plans for buffering of adjacent properties;

(2) Existing single-family dwellings may be approved to be re-occupied as single-family housing once the property has been conforming or vacant for more than 180 days; provided:

- (a) Housing stock in the town is not meeting demand; and
 - (b) No major renovations have been done to land or structure due to commercial use.
- (3) Mobile recycling businesses;
- (4) Pool halls and bars

(5) Internet Cafes: It is the intent of this provision to establish regulations to prevent a concentration of internet cafes within the town/ETJ and to provide a buffer between internet cafes and the uses specified below. Internet cafes are permitted in the HBD (Highway Business District) subject to the following standards:

(a) Separation from other internet café uses. Any structure in which an internet café is operating shall be separated by a distance of at least 250 feet (determined by a straight line and not street distance, without regard to intervening structures or objects) from any other internet café use.

(b) Separation from other uses. Any structure in which an internet café is operating shall be separated by a distance of at least 250 feet (determined by a straight line and not street distance, without regard to intervening structures or objects) from any residential zoning district, OI (office and institutional) zoning district, any school, church, childcare center, public park or playground.

(c) The distance for the separation from residential zoning and other protected uses shall be measured from the closest edge of the building occupied by the internet café to the nearest property line of the residential zoning district or OI (office and institutional) zoning district, or to the property line of a protected use.

(d) No more than one internet café may be located within the same structure.

(e) No alcohol shall be consumed inside the premises.

(f) No one under the age of 18 years old may enter premises.

(6) Non-Bulk Storage of Liquefied Petroleum – Primary Use

(7) Beach Bingo / Internet Cafe, upon a finding that the standards are met:

(a) Separation from other internet café uses. Any structure in which a beach bingo is operating shall be separated by a distance of 250 feet (determined by a straight line and not street distance, without regard to intervening structures or objects) from any other beach bingo operations.

(b) Separation from other uses. Any structure in which a beach bingo is operating shall be separated by a distance of at least 250 feet (determined by a straight line and not street distance, without regard to intervening structures or objects) from any residential zoning district, OI (office and institutional) zoning district, any school, church, daycare center, public park or playground and Internet Cafes.

(c) The distance for the separation from residential zoning and other protected uses shall be measured from the closest edge of the building occupied by the beach bingo to the nearest property line of the residential zoning district or OI (office and institutional) zoning district, or to the property line of a protected use.

(d) No more than one beach bingo will be located within the same structure

(e) No alcohol shall be consumed inside the premises

(f) Operations shall close at 12:00 A.M. (Added 5-5-2015)

(D) *Buffer strips.* A densely planted buffer strip at least eight feet in height shall be planted and maintained along the rear and side yards of any residential district, but shall not extend beyond the front building line of adjacent residential lots.

(E) *Service area.* All uses shall provide adequate areas for bulk storage of solid waste.

(F) *Animal storage.* No outdoor animal storage shall be allowed within 150 feet of any residential lot or within 50 feet of any adjoining property line.

(G) *Storage areas.* Outdoor storage yards shall be screened on the front side by a solid fence, wall, or hedge at least four feet high, and the rest of the area is fenced by a solid fence not less than six feet in height.

§ 157.034 INDUSTRIAL DISTRICT.

(A) *Intent.* This district is designed to provide areas primarily for manufacturing and processing industries and their accessory uses, for supporting of related storage, transportation and distribution activities, for commercial activities with high intensity characteristics and for certain supporting service activities for the convenience of the concentrated employee population. These areas shall normally be located on planned sites with good access to major transportation arteries and to appropriate utilities capacities. The regulations of this district are intended to minimize conflicts with proximate land uses by controlling noise, odor, glare, smoke, dust, wastes and other adverse environmental effects. Industrial classifications shall normally apply to large tracts of land located in a manner that the uses permitted in the district will not detract from the appropriate development or enjoyment of nearby properties. Residential uses and most retail trade activities are prohibited in this district.

(B) *Permitted uses.*

- (1) Manufacturing and fabrication of:
 - (a) Air conditioning and heating equipment;
 - (b) Apparel and clothing;
 - (c) Auto parts and accessories;
 - (d) Bakery and food products;
 - (e) Bedding and carpets;
 - (f) Beverages, including bottling;
 - (g) Boats;
 - (h) Books;
 - (i) Business machines;
 - (j) Candy and confections;
 - (k) Carbon and battery products;
 - (l) Dairy products;
 - (m) Drugs, medicines, cosmetics;
 - (n) Electrical appliances and electronic equipment;
 - (o) Felt and sandpaper;
 - (p) Furniture;
 - (q) Glass, ceramics and tile;
 - (r) Hardware and housewares;

- (s) Ice;
 - (t) Industrial supplies and equipment;
 - (u) Insulation and wall board;
 - (v) Leather products;
 - (w) Machine tools;
 - (x) Musical instruments;
 - (y) Oilcloth and linoleum;
 - (z) Optical goods; (aa) Paper products; (bb) Plastic products;
 - (cc) Pottery, porcelain;
 - (dd) Precision instruments and jewelry; (ee) Recreation and sporting goods; (ff) Signs;
 - (gg) Soap, detergents, washing compound; (hh) Textiles and cordage;
 - (ii) Tobacco products;
 - (jj) Truck trailers and mobile homes; (kk) Watches and clocks;
 - (ll) Wood products;
 - (mm) Customary accessory uses; (nn) Freezer lockers; and
 - (oo) Fiberglass manufacturing operations. (Added 6-4-2000)
- (2) Meat packaging (not slaughter or stockyard operations);
 - (3) Monument works;
 - (4) Processing activities:
 - (a) Automobile and junk salvage provided the requirements of the junkyard ordinances are met;

- (b) Coffee, tea, spices;
 - (c) Dry cleaning and laundry plants;
 - (d) Grain and seed plants;
 - (e) Printing, engraving, publishing; and
 - (f) Tobacco processing.
- (5) Supporting, intensive or large-area commercial activities:
- (a) Auction sales, antique sales or flea marts; and
 - (b) Building materials, storage and sales.
- (6) Communications towers and antennas, radio and television stations;
- (7) Town owned well sites, above ground water storage tanks, lift stations, pump stations and electrical substations;
- (8) Contractors offices and storage yards;
- (9) Machine and welding shops;
- (10) Plumbing, heating and electrical suppliers and repairs;
- (11) Industrial equipment and machinery repair and servicing;
- (12) Auto and truck sales;
- (13) Industry accessory uses:
- (a) Research laboratories;
 - (b) Vocational trade schools; and
 - (c) Offices and parking lots.
- (14) Transportation, storage, distribution activities:
- (a) Airports;
 - (b) Grain elevators;
 - (c) Motor freight terminals;
 - (d) Railroad facilities; and
 - (e) Wholesale and warehousing businesses.
- (15) Indoor recreational sports centers.
- (16) Non-Bulk Storage of Liquefied Petroleum – Accessory Use

(C) *Special use permits.*

- (1) Automobile service stations or garages;
- (2) Banks;
- (3) Concrete mixing plant;
- (4) Restaurants;
- (5) Truck stops;
- (6) Bulk storage of petroleum products: provided, the uses are properly buffered, located at least 300 feet from residential and related structural uses, and at least 1,000 feet from other bulk storage facilities;
- (7) Rubber products manufacturing;
- (8) Convenience stores;
- (9) Convenience stores with gasoline sales; and
- (10) Religious uses located outside of a designated industrial park.
- (11) Solar farms: The standards for decision are as follows:
 - (a) Solar farm should not endanger the public health and safety.
 - (b) Solar farm should meet all required conditions and specifications.
 - (c) Solar farm should no injure the value of adjoining properties.
 - (d) Solar farm should be in harmony with the surrounding area and compatible with the surrounding area and compatible with the surrounding neighbors.
 - (e) Property must be screened per §§ 157.105 through 157.114.

(D) *Fences, walls, hedges.* Solid and open fences are permitted to any structurally sound height, excluding corner site distance.

(E) *Operational standards.* All industrial uses shall meet state and federal EPA regulations.

(F) *Buffer strips.*

(1) A densely planted buffer strip at least eight feet in height shall be planted and maintained along the rear and side yards of any residential district, but shall not extend beyond the front building line of adjacent residential lots.

(2) Open storage yards of any use permitted in this district shall be screened from adjoining streets and highways by a solid fence, wall or hedge at least four feet high (six feet if storage is stacked to or above six feet high) unless the storage is set back from the right-of-way at least 400 feet.

(G) *Service areas.* All uses in the district shall provide adequate, accessible areas for bulk storage of solid waste.

(12) Non-Bulk Storage of Liquefied Petroleum – Primary Use.

§ 157.035 O & I OFFICE AND INSTITUTIONAL DISTRICT.

(A) *Intent.* The purpose of this district is to create and protect areas in which residential, business, and professional uses may be and are compatibly mixed, achieving a healthful living environment for the residents of the district and at the same time preventing the development of blight and slum conditions. The district is limited to those sections of the community in which the mixing of the uses is necessary and desirable for the buffering between.

(B) *Permitted uses.*

- (1) Multi-family dwellings;
- (2) Accessory uses and structures;
- (3) Art studio;
- (4) Bank and savings and loan institutions, with or without drive-in facilities;
- (5) Bed and breakfast inn, bed and breakfast homes;
- (6) Book store;
- (7) Church;
- (8) Dance studio;
- (9) Family Child Care Homes
- (10) Day Care Centers
- (11) Flower shop;
- (12) Funeral home;
- (13) Gift shop;
- (14) Law offices;
- (15) Medical, dental or similar clinic;
- (16) Municipal government building or use;
- (17) Museum;
- (18) Music studio;
- (19) Offices - business, financial, professional;
- (20) Off-street parking facility;
- (21) Pharmacy;
- (22) Photographic studio;
- (23) Principal use sign;
- (24) Schools - public or private;
- (25) Home occupations; and

(26) Town owned well sites, above ground water storage tanks, lift stations, pump stations and electrical substations.

(C) *Special uses.*

(1) Public utilities facilities such as distribution lines, sewage lift stations, transformer stations, transmission lines and towers, electric substations, water tanks and towers, and telephone stations; provided, the facilities are essential for the service of the immediate area and further provided that no vehicles or other non-essential equipment are located on the premises and that no offices shall be permitted. The entire lot so used shall be properly landscaped and furnished with a densely planted buffer or fence of at least six feet in height.

(D) *Screening.* A six-foot solid fence or planted buffer shall be provided along the perimeter of the rear and sides of the site where the perimeter is adjacent to a single-family district or single-family use.

§ 157.036 RESERVED.

§ 157.037 LID LIGHT INDUSTRIAL DISTRICT.

(A) *Intent.* This district is designed to provide areas primarily for light manufacturing and processing industries and their accessory uses, for supporting or related storage, transportation and distribution activities, for commercial activities with high intensity characteristics and for certain supporting service activities for the convenience of the concentrated employee population. These areas shall normally be located on planned sites with good access to major transportation arteries and to appropriate utilities capacities. The regulations of this district are intended to minimize conflicts with proximate land uses by controlling noise, odor, glare, smoke, dust, wastes and other adverse environmental effects. Light industrial classifications shall normally apply to large tracts of land located in a manner that the uses permitted in the district will not detract from the appropriate development or enjoyment of nearby properties. Residential uses and most retail trade activities are prohibited in this district.

(B) *Permitted uses.*

- (1) Manufacturing and fabrication of:
 - (a) Air conditioning and heating equipment;
 - (b) Apparel and clothing;
 - (c) Auto parts and accessories;
 - (d) Bakery and food products;
 - (e) Bedding and carpets;
 - (f) Beverages, including bottling;
 - (g) Books;
 - (h) Business machines;
 - (i) Candy and confections;
 - (j) Dairy products;
 - (k) Drugs, medicines, cosmetics;
 - (l) Electrical appliances and electronic equipment;
 - (m) Furniture;
 - (n) Ice;
 - (o) Industrial supplies and equipment;
 - (p) Machine tools;
 - (q) Musical instruments;
 - (r) Optical goods;
 - (s) Precision instruments and jewelry;
 - (t) Recreation and sporting goods;
 - (u) Signs;

(v) Soap, detergents, washing compound;

(w) Watches and clocks; and

(x) Customary accessory uses.

(2) Processing activities:

(a) Coffee, tea, spices;

(b) Printing, engraving, publishing;

(c) Building materials, storage and sales;

(d) Contractors offices and storage yards;

(e) Plumbing, heating and electrical suppliers and repairs;

(f) Tobacco processing;

(g) Public works, public safety, governmental and public utilities; and

(h) Auto and truck sales.

(3) Industry accessory uses:

(a) Research laboratories;

(b) Vocational trade schools; and

(c) Offices and parking lots.

(4) Transportation, storage, distribution activities; and

(5) Wholesale and warehousing businesses.

(6) Non-Bulk Storage of Liquefied Petroleum – Accessory Use

(C) *Fences, walls, hedges.* Solid and open fences are permitted to any structurally sound height, excluding corner site distance.

(D) *Operational standards.* All industrial uses shall meet state and federal EPA regulations.

(E) *Buffer strips.* A densely planted buffer strip at least eight feet in height shall be planted and maintained along the rear and side yards of any residential district, but shall not extend beyond the front building line of adjacent residential lots.

(F) *Screening.* Open storage yards of any use permitted in this district shall be screened from adjoining streets and highways by a solid fence, wall or hedge at least four feet high (six feet if storage is stacked to or above six feet high) unless the storage is set back from the right-of-way at least 400 feet.

(G) *Service areas.* All uses in the district shall provide adequate, accessible areas for bulk storage of solid waste.

(H) *Special use permits.*

(1) Automobile service stations or garages;

(2) Banks;

(3) Restaurants; and

(4) Truck stops.

(5) Non-Bulk Storage of Liquefied Petroleum – Primary Use

§ 157.038 SOLAR POWER OVERLAY DISTRICT.

- (A) *Purpose.* In recognition of the movement to sustainable and clean energy, the town intends to allow solar providers to allow solar farms and related facilities in reasonable locations within the town's jurisdiction without, at the same time, encouraging proliferation. The creation of an overlay zoning district ensures that solar farms are suitably sited and properly screened and landscaped. An overlay zoning district may be applied by map amendment to property in addition to such property's existing zoning district designation. Accordingly, the Solar Power overlay district is hereby created for this intent and purpose.
- (B) *Zoning Eligibility.* Solar Farms that meet the requirements of § 157.038 (B) and (C) shall be permitted as uses by right in the RA-20 and Industrial zoning districts, subject to confirmation and approval by the Board of Commissioners that all requirements have been met. To be considered for the Solar Power Overlay District, the parcel must comply with the following general requirements:
- (1) *Size.* The minimum parcel size shall be no less than thirty (30) acres;
 - (2) *Access.* The site shall have sufficient street frontage or alternate access easement to allow appropriate site access;
 - (3) *Underlying zoning district.* Underlying Zoning District of RA-20 and Industrial;
 - (4) *Location.* A site in the RA-20 district must abut property zoned ID;
 - (5) *Separation.* The site shall not be closer than three miles from an existing solar farm in an RA-20 zone, as measured from the closest points of each parcel.
- (C) *Standards and requirements.*
- (1) *Height.* Solar panels, mounts, and related equipment or structures shall not exceed ten feet (10') in height, excluding power poles necessary for interconnection.
 - (2) *Fence and security.* The solar farm area shall be fully enclosed with a minimum 6-foot tall security fence along its perimeter. Gates shall be locked and secured. A sign stating the solar farm operators contact information, including name, address, and phone number, shall be placed near the primary entrance.
 - (3) *Setbacks.* The solar farm shall meet the side and rear setbacks for the underlying zoning district; however, the exterior facility fence shall not be closer than one thousand five hundred (1,500) feet from a public street and fifty (50) from any property line, provided, however, that if a solar farm includes more than one parcel, then no setback shall be required from interior lot lines. Access roads and overhead lines are permitted to cross a setback to allow for site access.

- (4) *Residential separation.* All equipment, panels, mounts, and other materials (but not including the exterior fence) shall be set back a minimum of one thousand five hundred (1,500) feet from the footprint of any existing residential dwelling unit.
- (5) *Buffers and Landscaping.* Except where natural vegetation already exists, fifty foot vegetated buffers sufficient to fully screen the facility shall be planted along all sides adjoin properties zoned or developed for agricultural or residential use. A minimum break in the buffer along the front side shall be allowed for access.
- (6) *Landscaping Plan.* The applicant shall submit a Landscaping Plan that shows the locations, number and types of plants to be used in the vegetated buffer. A local nurseryman or landscaping contractor shall certify that the plants shall be of varieties native to eastern North Carolina or commonly used in eastern North Carolina and able to thrive in local soils. A sufficient amount of vegetation shall be of such density and height that panels are fully screened at the time of installation. The applicant shall also provide the name of a local landscaping contractor who shall certify that he has been hired to maintain the vegetation and to replace dead or diseased vegetation. A local landscaping contractor shall be hired for the life of the facility. A contractor shall be considered local if they regularly service other sites and properties within the Town of Farmville.
- (7) *Reflection.* Solar panels shall be arranged, angles, or sited to minimize reflection onto adjoining properties and rights-of-way.
- (8) *Decommissioning Plan.* A Decommissioning Plan shall be approved and recorded as a condition of site plan approval. At a minimum, the Decommissioning Plan shall address the following requirements:
 - (a) Responsible parties
 - (b) Timeline for the completion of all decommissioning plan activities within six months of power ceasing to be provided to the recipient client.
 - (c) Removal and disposal of all equipment and materials; including but not limited to: panels, mounts, structures, pads, foundations, underground wiring and fencing;
 - (d) Site reclamation and surface restoration; including but not limited to: retention of installed landscaping, putting down new topsoil, regrading, and re-seeding.
 - (e) A report prepared and sealed by an engineer demonstrating that the value of recycled solar farm components exceeds the estimated costs of removal. If the costs of removal exceed the value of recycled components, then the project owner shall post a form of surety sufficient to the Town for the difference.

(9) *Outside lighting.* Outside lighting shall not be allowed.

(D) *Approval.* An application for a solar farm zoning permit shall include the following:

- (1) A site plan prepared and sealed by a North Carolina licensed surveyor or engineer that includes the following:
 - (a) A narrative describing the proposed solar farm, including an overview of the project;
 - (b) The proposed location and dimensions of all solar panels, inverters, existing and proposed structures, screening, fencing, property lines, turnout locations, ancillary equipment, transmission lines, vegetation and the location of any residences within 1,000

feet of the perimeter.

- (c) Any preexisting structures on the same lot and principal structures on other properties that would the placement of solar panels.
- (d) Parking, fencing, and access areas.
- (e) Location of any proposed solar access easements
- (f) Location of inter-connection to the system components and/or the local utility power grid, and location of disconnect switch.
- (g) Standard drawings of the solar collection system components.
- (h) Location and height and structure of security fencing.
- (i) The location and widths of the buffer and landscaping described in subsection (C)(6).

(2) Copies of any lease agreement and solar access easements.

(3) Evidence that the electrical utility provider has been informed of the customers' intent to install an interconnected, customer-owned generator (off grid systems shall be exempt from this requirement).

(4) Decommissioning plan described in subsection (C)(7).

(5) Landscaping Plan described subsection (C)(6).

(6) Signature of the property owners, and the owners/operator of the facility, if different than the property owners.

(7) Other relevant information reasonably necessary to ensure compliance with this ordinance.

(E) *Conflicts.* Where a provision of the Solar Power Overlay District conflicts with a provision of the underlying zoning district, the Solar Power Overlay District shall govern.

§ 157.039 RESERVED.

§ 157.040 ADDED REQUIREMENTS.

(A) *Off-street parking required.* Off-street automobile parking or storage space shall be provided for every establishment and every dwelling on every lot, except as noted in §157.070. If parking space cannot reasonably be provided on the same lot, the space shall be provided on a lot within 800 feet of the principal use which is owned, leased or otherwise controlled or reserved by the principal use.

(B) *Lot requirements.* Parking spaces may be provided in a parking garage or in a properly graded and improved open space. Remote parking lots are not permitted in residential districts. Each automobile parking space shall not be less than 200 square feet (ten feet wide by 20 feet deep) in area exclusive of adequate access drives and maneuvering space. Required parking areas must have vehicular access to a street or alley; the access shall not be thereafter encroached upon or altered.

(C) *Plans and permits.* Each application for a zoning permit or certificate of compliance submitted to the Zoning Administrator shall include information as to the location, dimensions and arrangement of off-street parking and loading space and the means of ingress and egress to the space. This information shall be in sufficient detail, including a plat plan if requested, to allow the Zoning Administrator to determine whether the requirements of this section are being met. No certificate of compliance will be issued unless and until all

off-street parking and loading space requirements shown upon the plans or made a part of the zoning permit are in place and ready for use.

(D) *Exceptions.* Any structure or use in existence on the effective date of this chapter is not affected by these requirements until the gross floor area is increased 20% or more.

STANDARDS AND REQUIREMENTS

§ 157.050 INTERPRETATIONS AND OTHER REQUIREMENTS.

(A) (1) In interpreting and applying these regulations, they shall be held to be the minimum requirements necessary to carry out the purposes of the chapter.

(2) Except as may be specifically stated, it is not the intent of this chapter to interfere with, abrogate, annul or otherwise affect any easements, covenants or other agreements between parties; provided, however, that, when the requirements of this chapter impose a greater restriction upon the use of land or structures or requires greater yard or open spaces than imposed by other ordinances, rules, regulations, permits, easements, deed restrictions, covenants or agreements, the provisions of this chapter shall govern.

(B) (1) In interpreting and applying these regulations, they shall be held to be the minimum requirements necessary to carry out the purposes of the chapter.

(2) Except as may be specifically stated, it is not the intent of this chapter to interfere with, abrogate, annul or otherwise affect any easements, covenants or other agreements between parties; provided, however, that, when the requirements of this chapter impose a greater restriction upon the use of land or structures or requires greater yard or open spaces than imposed by other ordinances, rules, regulations, permits, easements, deed restrictions, covenants or agreements, the provisions of this chapter shall govern.

§ 157.051 LAND AND STRUCTURES AFFECTED.

No land, building or structure shall be used or occupied and no building or structure or part thereof shall be erected, moved or structurally altered, except in conformity with these regulations.

Penalty, see § 157.999

§ 157.052 ONE PRINCIPAL BUILDING PER LOT; EXCEPTIONS.

There shall be no more than one principal building upon any residential lot, except as provided herein.

Penalty, see § 157.999

§ 157.053 CHANGES IN LOT SIZES AND YARD SPACES.

(A) No lot shall be reduced in area or changed in dimensions so that lot sizes, frontages, yard spaces and setbacks, open spaces or other requirements of this chapter are not met, except through an accepted dedication of right-of-way to the town or the state.

(B) Preexisting lots in the R-5 and R-8 districts may be subdivided, even if the lots created are non-conforming if they meet the following conditions:

(1) Lots must have more than one principal building and thus already be non-conforming by violating § 157.052;

(2) Lots created shall be subdivided and shall provide the widest setbacks possible for both houses; and

(3) Building footprints must not be expanded into the non-conforming setbacks, even if the original house is demolished or moved. Buildings can be expanded into areas that are within conforming setbacks.

(C) All lots and yard spaces established after the passage of this chapter shall be in full conformity with these regulations.

Penalty, see § 157.999

§ 157.054 DOUBLE COUNTING NOT PERMITTED.

No space, which has been counted as part of a yard, lot area, parking area or loading area required for one lot, use or building, shall be counted to satisfy or comply with the requirements for any other lot, use or building.

Penalty, see § 157.999

§ 157.055 STRUCTURES TO HAVE ACCESS.

Except as provided herein, every residential building hereafter erected or moved shall be on a lot having a minimum frontage of 20 feet on a public street. All structures shall be so located on lots to provide safe and convenient access from servicing, fire protection and required off-street parking.

Penalty, see § 157.999

§ 157.056 YARD SPACE ENCROACHMENTS.

No required yard space shall be encroached upon or reduced, except in conformity with these regulations. Shrubbery, driveways, retaining walls, fences, curbs or ornamental objects, and plantings shall not be considered encroachments. Eaves may project no more than two feet into a minimum required yard.

Penalty, see § 157.999

§ 157.057 CORNER LOT SETBACK.

Buildings erected on lots having frontage on two or more streets shall be set back according to area and bulk regulations.

Penalty, see § 157.999

§ 157.058 INTERSECTION VISIBILITY.

On a corner lot in any residential district, no planting, structure, fence, wall or obstruction to vision more than two and one-half feet in height shall be placed or maintained within the triangular area formed by the intersecting property lines and a straight line connecting the points on the street lines each of which is 15 feet from the point of intersection.

Penalty, see § 157.999

§ 157.059 LOT COVERAGE.

The maximum lot coverage by all structures on a lot shall not exceed 50%, except for the central business district (CBD) which shall have no limitations on lot coverage.

Penalty, see § 157.999

§ 157.060 RESIDENTIAL ACCESSORY BUILDINGS.

The minimum setbacks for accessory buildings from side and rear lot lines in residential districts shall be reduced by 75% for that residential district.

Penalty, see § 157.999

§ 157.061 CONSTRUCTION IN PROGRESS.

No change in the plans, construction, size or immediate designated use shall be required for any building, structure or part thereof for which a building permit has been properly issued before passage of this chapter; provided, however, that, if construction is not begun within six months or prosecuted to completion within a reasonable time of the effective date of this chapter, any further construction shall conform with this chapter.

§ 157.062 HEIGHT REGULATION EXCEPTIONS.

Height limitations contained do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, flagpoles or other projections usually required to be placed above the roof level and not intended for human occupancy.

§ 157.063 ILLUMINATION FACING THOROUGHFARES.

No flood, screening or other type of lighting shall be placed or oriented so as to direct light rays or glare onto streets or highways in a manner which might distract or interfere with the vision of motorists or of pedestrians in crosswalks. This provision shall not affect traffic signals and street lights.

Penalty, see § 157.999

§ 157.064 TRANSIT SHELTERS.

Weather shelters at school bus or public transit stops, not exceeding 60 square feet in area, are permitted in all districts. The shelters shall not impair intersection visibility.

§ 157.065 HOME OCCUPATIONS.

Home occupations must be clearly incidental and secondary to the use of the dwelling for residence purposes and must not change the character thereof. Home occupations must be conducted by the family dwelling therein, must not employ more than one person who is not a related family member, must not include sales rooms, display windows or outside storage, must not include installation of mechanical equipment, except the equipment normally used for domestic or professional purposes, must not use over 25% of the total floor space of the dwelling structure (including storage), and must not use accessory buildings in connection with the home occupation. No home occupation shall significantly increase the traffic, noise, electrical interference, glare, dust, smoke or odor beyond levels normally existing in residential districts. Claims of home occupations shall not be used to circumvent or avoid the intent of this chapter that trades and commercial operations shall take place in appropriately zoned commercial districts.

§ 157.066 BUFFER AREAS.

Buffer areas shall be continuously maintained in evergreen trees, initially planted at minimum heights of four feet and minimum density of one per 12 square feet or other arrangement which successfully achieves the screening objective. Buffer areas shall include only plantings and any required fencing and shall not include buildings, signs or vehicles.

§ 157.067 CLASSIFICATION OF NEW JURISDICTION.

All territory which may hereafter be added to the town's zoning jurisdiction by an ordinance or bill of annexation or by an ordinance extending the extra-territorial jurisdiction shall be classified RA-20 residential-agricultural unless and until specifically classified otherwise by ordinance.

§ 157.068 FAMILY CARE HOMES.

Family care homes for disabled people shall be allowed in all districts zoned residential in accordance with G.S. § 160D-907.

§ 157.069 STREAM BUFFER AREAS REQUIRED.

(A) *Stream buffer.* A minimum 50-foot vegetative buffer is required along all perennial waters indicated on the most recent versions of USGS 1:24,000 (7.5 minute) scale topographical maps or as determined by local government studies. Desirable artificial stream bank or shoreline stabilization is permitted.

(B) *Development in buffers.* No new development is allowed in the buffer, except water dependent structures and public projects such as road crossings and greenways may be allowed where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of storm water best management practices (BMPs).

§ 157.070 PARKING REQUIREMENTS.

(A) *Applicability.* Each use must provide off-street parking and/or loading space equal to or greater than the minimum requirement of that use as set forth below. For any use or class of uses not specifically mentioned, the requirements for off-street parking facilities for the most similar use or class of uses shall apply. Number of employees shall be computed as the largest number of persons employed on the largest shift.

(B) *Administrative Modifications.*

(1) In the Central Business (CBD) District:

- (a) There are no parking requirements for new nonresidential development.
- (b) New residential development parking requirements are as specified below:
 1. Single Family and Townhomes: 1 space required per dwelling unit.
 2. Apartments and Multifamily: 1 space required per dwelling unit.

(2) In the General Business (GB) District:

- (a) Nonresidential development shall be permitted up to a 50% reduction in off-street parking requirement at the discretion of the Planning Director.
- (b) Parking on the street in front of the property lines may be counted towards parking requirements. However, this parking is not proprietary to the establishment.
- (c) Residential development shall be permitted with off-street parking requirements as specified below:
 1. Single and Family Townhomes: 1 space required per dwelling unit.
 2. Apartments and Multifamily: 1.25 spaces per dwelling unit.

(C) *Off-Street Parking Requirements.* The table below lists the recommended minimum number of spaces for each use listed in zoning districts.

- (1) If the application of this table results in a fraction of a space, the number of required spaces shall be rounded up to the nearest whole number.

- (2) Where a site includes a mix of uses, the parking requirement for each use shall be calculated independently and summed.
- (3) On-street parking areas within 1,000 feet of property lines may be counted towards parking requirements. This includes new development with street improvements that result in new on-street parking.

TABLE OF PARKING REQUIREMENTS	
Use	Minimum Number of Parking Spaces
Apartments and multi-family dwellings	1.5 spaces per dwelling unit
Auditoriums and theaters	1 space for each 5 seats in main viewing area
Automobile sales and repair	1 space for each 2 employees, plus 2 spaces for each 300 square feet of maintenance space
Automobile wash	1 space for each 2 employees, plus movement lane space equal to 5 times the capacity of the wash bays
Bowling alleys	2 spaces per alley plus requirements for any associated uses (e.g. restaurant, arcade, etc.)
Churches	1 space for each 5 seats in main congregation area
Clubs or lodges, fraternal and non-residential	1 space for each 350 square feet of floor area of main assembly area
Day care centers	1 space per employee plus 1 loading space per six children
Financial institutions (banks, savings and loans, loan companies)	1 space per 350 square feet of business floor area (excluding storage areas, corridors, stairwell and the like)
Funeral homes, mortuaries	1 space for each 4 seats in the chapel plus 1 space per 2 employees
Furniture stores	1 space per 400 square feet of floor area
Hospitals	1 space for each 2 beds, 1 space for each staff doctor, 1 space for each 3 employees
Hotels, motels	1 space for each unit, plus 1 space per 500 square feet of ancillary uses (i.e. restaurant)
Industrial, manufacturing or warehouse	1 space for each 2 employees, plus 1 space per 500 square feet of sales/office area
Kindergartens, nurseries, elementary and junior high schools	1 space for each employee and 4 child loading spaces
Medical offices clinics	1 space per examining room plus 1 space per employee

TABLE OF PARKING REQUIREMENTS	
Use	Minimum Number of Parking Spaces
Offices (such as real estate, lawyers, insurance, government)	1 space for each 400 square feet of floor area
Outdoor recreation facilities (stadiums, amusement parks, driving ranges and miniature golf)	1 space for each 3 persons of maximum capacity
Rest homes, nursing homes, care homes, sanitariums	1 space for each 2 beds and 1 space for each employee
Restaurants and nightclubs	1 space for each 4 seats
Restaurants, drive-ins	1 space for every 4 seats, plus reserve lane capacity equal to 5 spaces for each drive-through lane
Restaurants without indoor seating	1 space for every 4 outdoor seats, plus reserve lane capacity equal to 8 spaces for each drive-through lane
Retail business not otherwise listed	1 space per 350 square feet of floor area
Rooming and boarding houses	1 space for each guest room, plus 4 spaces for owners and visitors
Senior high schools, trade and vocational schools, business schools, colleges and universities	5 spaces for each classroom, 1 space for each administrative employee, and 1 space for each 10 seats in largest auditorium
Service stations	4 spaces for each grease or wash rack
Shopping center	1 space for each 350 square feet gross floor area
Single-family dwellings and mobile homes	2 spaces for each dwelling unit
Wholesale businesses	1 space per each 2 employees, plus 1 space per 500 square feet of sales area

(D) *Combined lots and Shared Parking.* The required parking space for any number of separate establishments may be combined in one lot but the required spaces for one establishment may not be assigned to another establishment at any time; except that, one-half of the parking spaces required for establishments whose peak attendance will be at night or on Sundays (such as churches and theaters) may be shared by an establishment which is closed at similar times.

(E) *Shared Parking Standards.* Shared parking allows for a reduction in the total number of parking spaces required for certain properties where a mix of adjacent land uses have varying peak periods of parking demand.

(1) Applicability.

(a) Shared parking shall be considered only for new developments or significant increases in building size or additions.

(b) Shared parking may not include a reduction in accessible parking spaces.

(c) A use for which an application is made for shared parking shall be located within 800 feet of the parking facility.

(2) Shared Parking Agreement.

(a) The parties involved shall execute a shared parking agreement, which shall be filed with the Planning Department

(b) The agreement shall continue as long as the agreement, binding on all parties, remains in force. If the agreement is no longer in force, parking shall be provided as otherwise required by this Ordinance.

(3) Shared Parking Plan.

(a) The Planning Director may require a shared parking plan that includes the following elements:

1. Parking spaces (numbered).
2. Required parking calculations.
3. Any directional signage directing drivers to the most convenient parking locations.
4. Pedestrian walkways and connections.
5. Connections between parking areas and land uses.
6. Timing of operations

§ 157.071 AREA AND BULK REGULATIONS.

District	Minimum Lot Requirements		Setback Requirements				Impervious Surface Limits	Maximum Height in Feet
	Lot Area in Square Feet	Lot Width in Feet	Front Yard	Side Yard	Corner Yard	Rear Yard		
RA-20 Residential-Agricultural	20,000	100	30	12	22	25		35 g , n
R-15 Residential District	15,000 j	90	30	12	22	25		35 g , n
R-8 (Single Family) Residential District	8,000 j	75	25	8	18	25	65%	35 n
R-8 (Multi-Family) Residential District	o	o	o	o	o	o	65%	35 n
R-5 Residential District-Single Family	5,000 j	60	25	8	18	20	75%	35 n
R-5 Residential District-Two Family	7,500 j	70	25	8	18	20	75%	35 n
R-5 Residential District- Multi-Family	p	p	25	8	18	20	75%	35 n
RMF Residential Multi-Family	Max. of 12 one-bedroom units or 17 two-bedroom units per acre	25	25	8	18	20	75%	35 n

RMH A or B Residential Manufactured Housing	5,000 j	60	25	8	18	20	75%	35 n
CBD Central Business District	2,500 j	20	0	b, c	b, c	c		
HBD Highway Business District	7,500 j	75	50	15 s	15 s	15 r	75%	n
ID Industrial District	43,560	200	50	15	15	20	75%	50 e, n
LID Light Industrial District	43,560	200	50	15	15	20	75%	50 e, n
O & I Office & Institutional	6,000	60	25	8 m	8 m	20 m	75%	35 n

NOTES TO TABLE

a. Deleted

b. None required; but, if provided, each side yard shall be at least four feet in width.

c. Where a lot abuts any residential district, there shall be a side or rear yard clearance of at least ten feet on the side and/or rear yard abutting the residential district.

d. Upon any side or rear lot line which abuts a residential district, there shall be a densely planted buffer strip at least eight feet in height along the rear and/or side lot line abutting the residential properties. No buffer shall, however, extend nearer to a street right-of-way line than the established building line of the adjoining residential lots.

e. No building shall exceed 50 feet in height unless the depth of the front yard and total width of the side yards herein shall be increased by one foot for each two feet, or fraction thereof, of building height in excess of 50 feet.

f. Deleted

g. No building over 35 feet in height unless the depth of the front and total width of the side yards required herein shall be increased by one foot for each two feet, or fraction thereof, of building height in excess of 35 feet.

h. Maximum permissible lot coverage by the principal building and all accessory buildings shall not exceed 50% of the total lot area, except for the central business district (CBD) which shall have no limitation on lot coverage.

i. Accessory buildings:
a. Accessory buildings shall not be erected in any required front or corner yard setbacks.
b. When building storage buildings, the side and rear yard setback requirements may be reduced to 75% of the side yard setback.
c. When building residential detached storage buildings less than 200 square feet in size, the side and rear yard setback requirements may be reduced five feet. (Amended 12- -2003)
j. Fence, wall and hedge placement, setback and height. Fences, walls and hedges are permitted in yards subject to the following requirements:
1. No fence, wall or hedge may be placed:
a. Upon the right-of-way of any street or highway;
b. Closer than 22 feet from the centerline of any street or highway; or
c. closer than seven feet from the back of a curb or ten feet from the edge of pavement (where there is no curb) of any street or highway, whichever distance in a., b. or c. is greater from the street or highway right-of-way.
2. Fences, walls and hedges shall be limited in height as follows:
a. Two and one-half foot maximum height within the sight distance at street intersections as defined in § 157.058.
b. Beginning at the setback established in j.1. above, the front yard setback shall have a four-foot maximum height. Additional side and rear yards shall have a six-foot maximum height for solid fences, walls, and hedges and a eight-foot maximum height for open fences, walls and hedges.
3. All swimming pools shall be enclosed by a fence of at least four feet in height.
k. Lot width shall be measured at front setback line.
l. Where lot lines are within the right-of-way of any public street, public highway or railroad, lot dimensions and setback requirements shall be measured from the right-of-way line which the lot line transverses.
m. A six-foot solid fence or planted buffer shall be provided along the perimeter of the rear and sides of the site where the perimeter is adjacent to a single-family district or single-family use.
n. Unoccupied portions of churches and religious buildings are exempt from height limitations.
o. Maximum of eight units per acre.
p. Maximum of 12 units per acre.
r. Requirements coincides with the requirements of the adjoining residential district.
s. Increase setback to 25 feet if abuts a residential district.

t. Increase setback to 50 feet if abuts a residential district.

u. When subdividing existing residential lots in town, the minimum required square footage for lots may be reduced by not more than 500 square feet, from that of the required square footage for the zoning district in which the property is located, to facilitate the redevelopment of existing properties under the following conditions. (Added 7-3-2001)

1. Provisions are made for adequate off-street parking, as required under § [157.070](#).

2. No reduction is required in side, rear or corner yard setback requirements to allow for the construction of the home, accessory buildings or any other structures on the lot.

3. The front yard setback may be reduced to equal that of immediately adjoining properties to maintain a similar appearance and character of surrounding properties.

4. The lot width may be reduced by ten feet.

5. The lot(s) was/were created prior to November 1972. (Amended 6-22-1999)

v. When renovating a contributing principal structure within the listed and recognized historic district, setback requirements may be reduced to that of the original structure provided that the renovations would return the structure to its original appearance. This provision is only applicable upon the Board of Adjustments finding that sufficient and substantial evidence exists that would prove that the original structure actually existing in a manner consistent with the proposed renovation. The Board must also ensure that the granting of this variance will not limit sight distances or otherwise adversely affect the surrounding properties. (Added 9-3-2002)

§ 157.072 GROUP HOUSING DEVELOPMENT STANDARDS.

(A) In the case where two or more principal residential buildings or three or more units in a single building are to be constructed on a plot of land which is not subdivided, or which is subdivided but not in accordance with provisions contained in Ch. 155 of this code of ordinances, the building development shall be exempt from the minimum yard requirements for the buildings as stated in the area and bulk regulations of this chapter.

(B) The purpose of this exemption is to provide relief from certain dimensional requirements for building setbacks, lot sizes or yards where the spirit of this chapter can be met by alternate methods of development, but equal to the provisions of this chapter.

(1) *Density.* In no case shall the density of residential units exceed that of the controlling zoning district.

(2) *Setback and peripheral yard requirements.*

(a) No building shall be located within 20 feet of any exterior boundary, except where that boundary is a public right-of-way.

(b) The front yard setback requirement of the controlling zoning district shall be observed along all public rights-of-way.

(c) Each building located along a private drive shall have a minimum setback requirement of ten feet.

(d) A zero side or rear yard setback where the side or rear building line is on the side or rear lot line, may be permitted, subject to the following provisions:

1. The Original building must conform to the zoning ordinance and subdivision regulations;

2. Any wall, constructed on the side or rear lot line shall be a solid, doorless and windowless wall. The wall shall contain no electrical, mechanical, heating, air conditioning or other fixtures that project beyond the wall. Roof eaves may encroach two feet into the adjoining lot; and

3. No two units or structures shall be considered attached unless the units or structures share a common party wall constructed in accordance with the State Building Code and other applicable requirements.

(3) *Interior yards.* For yards exclusive of those on the peripheral yard and the front yard setback from the right-of-way, each facade on all sides of every building shall have a yard space in the shape of an isosceles triangle whose base shall be a line connecting the extreme ends of the facade, and whose altitude shall be the length of the baseline multiplied by a factor of (0.4) for single story buildings and (0.5) for two story buildings.

(a) The yard space thus established for each wall or facade may not overlap the yard space or any other wall or facade of the same or any other building except that triangles may overlap into street rights-of-way and the peripheral yard.

(b) In no case shall the triangle altitude be less than 15 feet.

(c) The maximum required altitude of the triangle for the front facade of the building shall be 50 feet.

(d) The maximum required altitude of the triangle for the rear facade of the building shall be 25 feet.

(e) The minimum distance of any building to any portion of another building shall be 16 feet.

(f) A dwelling shall be considered as separate and detached from any other dwelling unless it shares a common party wall at least five feet long.

(g) No continuous unit or series of units shall exceed a combined length of 300 feet long.

(h) Where a rear wall or facade of a building is facing a public right-of-way, a buffer shall be planted or fence erected to prevent direct view from the right-of-way.

(i) Where official town plans show future streets or thoroughfares, or where access to landlocked property is required the development will be designed as to provide rights-of-way for the future streets or thoroughfares and to give access to properties by means of a public street dedication.

(4) *Parking.* Parking shall be provided in accordance with the provisions of § 157.070.

(a) No parking shall be closer than 15 feet to any dwelling unit.

(b) Off-street parking may be permitted within the required front yard setback, but shall be no closer than ten feet to any right-of-way of a public street.

(c) There shall be no on-street parking. All parking spaces shall be provided in parking lots or bays.

(d) Parking spaces, lots and bays shall be surfaced with concrete, bituminous asphalt, brick pavers or an approved equal which will not erode or pose a possible maintenance problem for storm drainage or storm drainage systems.

(e) No more than six consecutive parking stalls are permitted, and must be separated from additional stalls by a separation island which shall be landscaped with trees or shrubs. The separation island shall have a minimum width of four feet and a minimum depth of 18 feet.

(5) *Recreational requirements.*

(a) The recreation requirement for group housing developments with two acres or less shall not apply.

(b) The recreation requirement for group housing developments shall not apply if the project is located within one-half-mile radius of a public recreation facility.

(c) Recreation areas shall be provided at a ratio of 100 square feet per dwelling unit.

(6) *Site coverage and landscaping.*

(a) The maximum percentage of the site that may be covered by roofs, parking areas, walkways, dumpster pads or other impervious materials is as follows for zoning districts:

1. R-5 residential district: 60%;
2. R-8 residential district: 60%; and
3. Residential multi-family: 70%.

(b) All non-impervious areas shall be grassed or covered with tree bark, pine straw or similar landscaping material.

(7) *Screening.* A six-foot solid fence or planted buffer shall be provided along the perimeter of the rear and sides of the site where the perimeter is adjacent to a single-family district or single-family use.

§ 157.073 CLUSTER DEVELOPMENT.

Cluster development shall be permitted in the R-20 district under the following conditions.

(A) Minimum lot sizes may be reduced for a single-family cluster development project; however, if the lot sizes are reduced, an area equal to the reduction shall be provided in a vegetation or natural space as described in division (C) below, and the total number of lots shall not exceed the number of lots allowed for the RA-20 district.

(B) All built-upon areas shall be designed and located to minimize storm water runoff impact to the receiving waters and minimize concentrated storm water flow.

(C) The remainder of the tract shall remain in a vegetated or natural state. Where the development has an incorporated property owners association, title of the open space shall be conveyed to the association for management. Where a property owners association is not incorporated, a maintenance agreement shall be filed with the property deeds.

§ 157.074 SITE PLANS.

(A) *General.* Site plans are required for multi-uses on the same parcel and/or tract of land, such as shopping center and multi-family complexes. No permits will be issued until approval of plans has been made by the Planning Board or Board of Adjustments while approving a special use permit. The Planning Board may consider only those items listed in division (B) below in approving or disapproving the site plan.

(B) *Plan content.* The site plan shall be prepared by an architect land surveyor, engineer or land planner, licensed to practice in the state and shall show the following features with proposed dimensions, drawn to a scale not smaller than one inch equals 50 feet:

(1) Dimension of parcel to be developed, location of easements, zoning of property to be developed and adjacent properties;

(2) Proposed use, location, dimensions, setbacks of primary and accessory structures;

(3) Location and dimensions of existing and proposed streets, vehicular entrances, exits and drives, pedestrian walks and pathways;

(4) Location of parking spaces, aisles and bays, angle of parking, truck loading spaces and dock, and fire lanes;

(5) Drainage system;

(6) Location of existing and proposed walls and fences and list type of material, and location of existing and proposed signs;

(7) Topography, ground cover, topographic features, banks, slopes, ditches and the like;

(8) Any additional information requested by Zoning Administrator to adequately review the proposed development;

(9) Setback for shopping centers shall be as follows:

(a) Front setback: 75 feet;

(b) Side setback: 15 feet, 25 feet if adjacent to residential district; and

(c) Rear setback: 15 feet, 25 feet if adjacent to residential district.

(10) Location and size of all utilities.

(C) *Review procedure.*

(1) Five completed copies of the proposed site development plans are to be submitted to the Zoning Administrator at least ten working days prior to the Planning Board meeting at which it will be considered. Administrative officials shall review the plan and submit comments to the Planning Board.

(2) Plans shall be reviewed by the Planning Board and shall be approved with modifications or disapproved within 35 days of the first review.

(3) The applicant shall be notified of the Board's finding within three days. Modifications are to be listed and the reason(s) for disapproval shall also be listed.

(4) Disapproval of the plans can be appealed to the Board of Commissioners by submitting a written request to the Town Clerk and the Zoning Administrator within ten days of the date of notice of a disapproval. The requested appeal shall be placed on the agenda of the next regular meeting of the Board of Commissioners.

(5) Plans approved with modification may receive final approval from the Zoning Administrator when the modifications have been completed.

§ 157.075 FRONT AND CORNER SIDE YARD PARKING.

(A) The parking of commercial vehicles in the front or corner side yards of improved single family lots, excluding driveways, shall be prohibited.

(B) Commercial vehicles shall be defined as any vehicle or trailer exceeding twenty (20) feet in length and more than eight (8) feet in height, including, but not limited to, tow trucks, dump trucks, construction or earth moving vehicles or equipment, semi-tractors, and trailers.

§ 157.076 STORAGE OF LIQUIFIED PETROLEUM

(A) Tanks shall not be located closer than 10 feet to a property line and the filling point shall be no less than 25 feet from a property line.

(B) Tanks shall not be located closer than 10 feet from any building on the property and the filling point shall not be located closer than 25 feet from any building.

§ 157.077- § 157.084 RESERVED

SIGNS

§ 157.085 PURPOSES.

The purposes of these regulations are to preserve the legibility and usefulness of necessary signs, to minimize the detrimental effects of signs on adjacent properties, to prevent commercial signs from conflicting with, or obscuring signs related to the public safety or convenience, to ensure that signs do not become a public hazard or nuisance by reason of their size, placement, number or condition, to preserve the character of each district and any special qualities of a district (such as historic significance) and to protect and enhance the overall appearance of the community.

§ 157.086 APPLICABILITY.

These regulations apply to signs intended to be clearly legible from a public right-of-way for vehicles or pedestrians. These requirements apply to all signs within the zoning jurisdiction of the town.

§ 157.087 GENERAL REQUIREMENTS.

(A) *Signs for active uses.* All non-governmental signs must be for an active business, on the premises, except outdoor advertising signs (where permitted). Signs for discontinued businesses must be removed within 30 days.

(B) *Sign condition.* All signs shall be maintained in a legible and safe condition. Any sign in a deteriorated, rusting or unsafe condition shall be in violation of this chapter, and the Zoning Administrator shall order that the sign be repaired or removed. The backs of ground signs shall be a neutral color to blend with their surroundings.

(C) *Illumination.* Signs may be illuminated by interior bulbs, neon lighting, silhouette lighting or flood lighting. Flood lights shall not be directed toward streets or public pedestrian walks.

(D) *Rights-of-way.* Non-governmental signs shall not be erected upon or encroach upon public rights-of-way.

(E) *Improper attachments.* Non-governmental signs shall not be attached to nor painted on power poles, light poles, telephone poles, traffic signs or other objects not intended to support a sign. Signs shall not be located on rocks, trees or other natural objects.

(F) *Design, construction and maintenance.*

(1) All signs shall comply with applicable provisions of the State Building Code and the National Electric Code. Signs shall be constructed of permanent materials and permanently affixed to the ground or building, except for the following signs:

(a) Temporary signs meeting the requirements elsewhere in this section;

- (b) Signs advertising premises for sale, lease or rent;
- (c) Signs providing information on construction taking place on the premises;
- (d) Window signs; and
- (e) Yard sale signs, political signs and election signs.

(2) Support wires, guy wires and other exterior supportive elements are not permitted.

(G) *Changeable copy on signs.* Changeable copy is allowed on signs in non-residential districts and for non-residential uses in the PDR District, and for places of worship and institutional uses in any district subject to the following: no more than 50% of the area of a sign shall be devoted to changeable copy, except for signs for theaters and churches, which may devote up to 80% of a sign to changeable copy.

Penalty, see § 157.999

§ 157.088 PROHIBITED SIGNS.

(A) Any sign that obscures a sign displayed by public authority for the purpose of giving traffic instructions, direction or other public information;

(B) Any sign that uses the word “stop” or “danger” or otherwise represents or implies that the need or requirement of stopping or caution or the existing of danger, or which is a copy or limitation of, or for any reason is likely to be confused with any sign displayed by public authority;

(C) Any sign that obstructs any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for any building, as required by law;

(D) Any sign that violates any provision of any law of the state relative to outdoor advertising;

(E) Signs which obstruct sight distances at intersections or along public rights-of-way; and

(F) Signs which contain, employ or utilize lights or lighting which rotates, flashes, moves or alternates, except otherwise approved time and temperature signs.

. Penalty, see § 157.999

§ 157.089 SIGNS ALLOWED IN ALL DISTRICTS.

Signs allowed where regulations do not apply:

(A) Signs not exceeding two square feet in area and bearing only property numbers, post office box numbers, names of occupants of premises or other identification of premises not having commercial connotations;

(B) Flags and insignia of any government, except where displayed in connection with commercial promotion;

(C) Legal notices, identification, information or directional signs erected or required by government bodies;

(D) Integral decorative or architectural features of buildings, except letters, trademarks, moving lights or moving parts; and

(E) Signs directing and guiding traffic on private property, but bearing no advertisement matter, and street name markers and historic markers.

§ 157.090 NON-CONFORMING, OBSOLETE AND UNPERMITTED SIGNS.

(A) Signs which were lawful at the time of their construction but are not in conformance with current requirements shall be permitted to be maintained as non-conforming signs. Non-conforming signs shall possess a permit from the Inspections Department.

(B) (1) Signs which received a permit within a timely manner as required under this subchapter, effective 6-1-1999, and met all existing sign ordinance requirements when constructed, shall be allowed a period of non-conformity before compliance with this chapter is required. Qualifying signs may continue to exist until 6-1-2001. The messages on these signs may be changed if the messages comply with this subchapter and are contained within the existing sign structure size and cabinet. No enlargement of the signs or modifications of this sign structure, including additional lighting is permitted.

(2) Conformance with the regulations of this chapter is required if repairs or damage to a sign or its support structure exceed 25% of the lesser of the declared value when the permit was originally obtained or the replacement value; or when the sign use or type is changed.

(C) Non-conforming signs which do not fall under the above division (B) shall be removed or shall be made conforming. This includes, but is not limited to, signs which did not receive a permit within six months under the ordinances referenced above. A sign structure on which the sign message on the sign surface changes from a permitted sign to an unpermitted sign shall be considered a violation of this section and the sign and sign structure may be required to be removed from the site.

(D) Obsolete signs must be removed. Both the owner of the property on which the signs are located and the owner of the sign, if different, are separately responsible for the removal.

(E) All administrative interpretations of this section and other provisions of the sign regulations may be appealed to the Planning and Zoning Board. Where necessary, the Board may consider not only the current or intended use of the sign, but also the past use. It shall be the obligation of the sign owner to furnish records concerning the past use, if requested by the Board.

§ 157.091 PERMITTED USES BY ZONING DISTRICT.

(A) *Key to abbreviations.*

c	Feet
cc	Inches
Aggr./aggreg.	Aggregate
Aprt.	Apart
Fr.	Front
Intersec.	Intersection
Lin.	Linear
Max.	Maximum
Pr.	Projection
Setbk	Setback
Sq.	Square
St.	Street
Vis.	Visibility

<i>Sign\ District</i>	<i>ID</i>	<i>O&I</i>	<i>HBD</i>	<i>GBD</i>	<i>NBD</i>	<i>CBD</i>	<i>R-5</i>	<i>RMF</i>	<i>RMH</i>	<i>R-12</i>	<i>R-15</i>	<i>RA-20</i>
Traffic control and parking lot	4 sq' max max 4' high	4 sq' max max 4' high	4 sq' max max 4' high max 4' high max 4' high max 4' high Permitted	4 sq' max	2.5 sq' max 2.5' high int.	2.5 sq' max 2.5' high int.	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Time and temperature	Not Permitted	32 sq' max 20' max high	32 sq' max 25' max high	32 sq' max 25' max high	Not Permitted	32 sq' max 25' max high	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Temporary yard sale	Not Permitted	4 sq' max	Not Permitted	Not Permitted	Not Permitted	Not Permitted	4 sq' max	4 sq' max	4 sq' max	4 sq' max	4 sq' max	4 sq' max

§157.092 - §157.104 RESERVED.

SCREENING

§ 157.105 PURPOSE.

(A) To minimize the impacts of commercial, industrial or manufacture home parks on adjacent residential land uses a visual screen is required.

(B) Screening:

- (1) Lessens the transmission from one lot to another of noise, dust and glare;
- (2) Minimizes the visual pollution between incompatible uses of various intensity; and
- (3) Creates a sense of privacy from visual or physical intrusion .

§ 157.106 OPTIONS.

The screening options shall consist of berms, plantings or fences. Existing vegetation can be used to fulfill part or all of the screening requirements.

§ 157.107 EXISTING VEGETATION.

Existing vegetation is encouraged to be retained and used to fulfill the purposes of this section. The Zoning Administrator shall evaluate any existing vegetation on-site and determine what additional screening is needed to comply with the requirements of this section.

§ 157.108 LOCATION.

(A) Screening shall be located along the rear and side yards of the commercial, and industrial property, where it is adjacent to any residential district.

(B) Any installation of screening in a drainage maintenance or utility easement shall be approved by the Town Planner.

§ 157.109 SCREENING AREA SPECIFICATIONS AND DESIGN.

Screening area specifications and design specifications for the screening options are listed below. A combination of the options may be used to comply with the requirements of this section if approved by the Planning Board during the planning review process.

(A) *Berms.*

- (1) Minimum height: five feet;
- (2) Minimum crown width: three feet; and
- (3) Side slope: three to one (3:1) slope.

(B) *Plantings.*

- (1) Minimum screening area width: five feet; and
- (2) Number of plants per 100 linear feet:
 - (a) Shrub: 25;
 - (b) Understory tree: five; and

(c) Canopy tree: three.

§ 157.110 PLANT SPECIFICATIONS.

(A) *Shrubs*. All shrubs must be evergreens and shall reach a minimum height of 72 inches and a minimum spread of 30 inches within three years.

(B) *Understory tree*. Understory trees shall be a minimum of four feet high and one inch in caliper, measured six inches above grade, when planted. When mature, an understory tree should be between 15 and 40 feet high.

(C) *Canopy tree*. Canopy trees shall be a minimum of eight feet high and two inches in caliper, measured six inches above grade, when planted. When mature, a canopy tree should be at least 40 feet high and have a minimum crown of 30 feet.

(D) *Examples*. Examples of approved vegetation to satisfy screening requirements. Any combination of the following species will meet the screening requirements. Alternate species are acceptable if approved by the Town Planner.

(1) *Shrubs.*

<i>Scientific Name</i>	<i>Common Name</i>
Ligustrum japonicum	Curlyleaf Ligustrum
Cleyera japonica	Cleyera
Camelia sinensis	Tea Plant
Ilex cornuta	Chinese Holly
Ilex cornuta 'Burfordii'	Burford Holly
Ilex crenata	Japanese Holly
Ilex latifolia	Lusterleaf Holly
Ilex pedunculosa	Longstalk Holly
Laurus nobilis	Laurel
Leucothoe populifolia	Florida Leucothoe
Ligustrum japonicum	Japanese Privet
Ligustrum lucidum	Tall Glossy Privet
Loropetalum chinense	Loropetalum
Myrica cerifera	Wax-Myrtle
Myrica communis	Myrtle
Osmanthus x fortunei	Fortune Tea Olive
Osmanthus heterophyllus	Holly Osmanthus
Photinia x fraseri	Frasier Photinia
Photinia glabra	Red Phontinia
Podocarpus Macrophyllus maki	Podocarpus
Prunus Laurocerasus	English Laurel
Pyracantha koidzumii	Formusa Firethorn
Thuja Orientalis	Oriental Arborvitae
Viburnum Japonicum	Japanese Viburnum
Viburnum tinus	Laurestinus Viburnum

(2) Understory Trees

<i>Scientific Name</i>	<i>Common Name</i>
Cercis Canadensis	Redbud
Cornus Florida	Flowering Dogwood
Acer palmatum	Japanese Maple
Magnolia virginiana	Sweetbay Magnolia
Magnolia stellata	Star Magnolia
Magnolia soulangiana	Star Magnolia
Cornus kousa	Chinese Dogwood
Ilex vomitoria	Yaupon
Amelanchier x. grandiflora	Apple Serviceberry

(3) Canopy Trees.

<i>Scientific Name</i>	<i>Common Name</i>
Acer rubrum	Red Maple
Betula nigra	River Birch
Liquidambar styraciflua	Fruitless Sweetgum
Quercus alba	White Oak
Quercus nuttallii	Nuttall Oak
Quercus phellos	Willow Oak
Quercus rubra	Northern Red Oak
Taxodium distichum	Bald Cypress
Ulmus parviflora	Chinese Elm
Zelkova serrata	Zelkova

§ 157.111 GROUPING.

Shrubs and trees may be grouped or clustered, however, no more than 50% of each required plant material may be grouped or clustered. The remainder of the material shall be evenly distributed throughout the screening area.

§ 157.112 FENCES.

- (A) Minimum height: five feet;
- (B) Maximum height: eight feet; and
- (C) Fence materials: masonry or stone walls, wood or similar opaque materials.

§ 157.113 FLEXIBILITY IN ENFORCEMENT OF STANDARDS.

Because of the wide variety of development and the relationship between them, it is neither possible or prudent to establish inflexible screening requirements, the Zoning Enforcement Officer or the Planning Board during the site plan may require either more or less intensive screening whenever it finds the deviations are more likely to satisfy the intent of this section without imposing unnecessary costs to the developer.

§ 157.114 MAINTENANCE.

The owner is responsible for maintaining planting, fences or berms. Plantings shall be kept in good health and appearance. Any dead, unhealthy or missing plants shall be replaced within 90 days with vegetation which meets the approval of the Zoning Enforcement Officer. Fences damaged, improperly constructed or incorrectly placed shall be repaired or replaced with appropriate materials approved by the Zoning Enforcement Officer.

§157.115 - §157.124 RESERVED.

NON-CONFORMITIES

§ 157.125 INTENT.

The intent of this chapter is to allow non-conformities to continue, subject to limitations, but not to assist or encourage their survival. Pre-existing lots or structures, or uses of lots or structures which are prohibited under these regulations for the district in which located, shall be considered non-conforming. Non-conforming lots, structures or uses may be continued, provided they conform to the following provisions.

§ 157.126 NON-CONFORMING LOTS OF RECORD.

- (A) Any single lot lawfully recorded before the adoption of the Zoning Ordinance of 4-29-1971 may be built on providing the following setback requirements are met:

<i>Lot of Record Width</i>	<i>Minimum Side Yards</i>
Less than 40 feet	5 feet
40-49 feet	5 feet
50-59 feet	6 feet
60-74 feet	8 feet

- (B) When two or more lots with continuous frontage are in one ownership at any time after the adoption of this chapter and the lots are individually less than the minimum area or width required in a district, the lots shall be combined to the extent necessary to achieve a lot or lots of the area and width required for the district.
- (C) The front yard setback requirements of this chapter for dwellings shall not apply to any lot where the average setback of existing buildings located wholly or partially within 100 feet on either side of the proposed dwelling and on the same side of the same block and use district and fronting on the same street as the lots, is less than the minimum required front yard depth. In case the setback on the lots may be less than the required setback, but not less than the average of the existing setback on the aforementioned lots, or within ten feet of the street right-of-way line, whichever is greater.

§ 157.127 NON-CONFORMING STRUCTURES.

A structure which legally existed at the time of adoption or amendment of this chapter, but does not comply with this chapter by reason of regulations on area, lot coverage, height, yard setback or other restrictions related to the structure, may be continued subject to the following conditions.

(A) No non-conforming structures shall be enlarged or altered, in any way, to increase their non-conformity. They may be altered to decrease their non-conformity.

(B) Maintenance and repairs necessary to keep a non-conforming structure in sound condition shall be permitted.

(C) No non-conforming structure shall be changed to another type of use without the structure first being brought into conformity with this chapter.

§ 157.128 NON-CONFORMING USES.

A use of land or a structure which legally existed at the time of the adoption or amendment of this chapter but does not comply with this chapter by reason of its use, may be continued subject to the following conditions:

(A) When a non-conforming use of land or of a structure has been changed to a conforming use, it shall not thereafter be used for a non-conforming use; and

(B) A non-conforming use of land or of a structure may not be changed to another non-conforming use.

§ 157.129 CESSATION OR DESTRUCTION OF NON-CONFORMING USES OR STRUCTURES.

(A) If use of a parcel of land or a structure are non-conforming, or if the structure(s) is non-conforming, or if both use and structure(s) are non-conforming, and active use of that parcel of land or structure(s) is discontinued for a continuous period of 180 days, the land and/or structure(s) shall thereafter be used only for a conforming use and the structure(s) shall be brought into conformity with this chapter prior to the use.

(B) If a business or industrial structure(s) or a part thereof is occupied by a non-conforming use and is damaged, destroyed or becomes deteriorated to an extent greater than 50% of its replacement cost at the time of damage or discovery of deterioration, the structure(s) may not be repaired for non-conforming use.

§ 157.130 NON-CONFORMING SIGNS.

(A) Non-conforming signs and sign structures, which may be non-conforming either by reason of dimension, placement or uses inconsistent with this chapter, shall be eliminated within a reasonable period of time in order to promote the public safety and welfare. All non-conforming signs that are allowed to become unsafe shall not be permitted to be repaired, instead they shall be eliminated. Non-conforming signs that are heavily damaged by fire, storm and the like shall not be repaired, instead they shall be eliminated.

(B) All permanent and portable signs installed, and flashing and moving signs, shall be removed within six months after receiving notice of violation, except for permitted time and temperature signs.

§157.131 - §157.144 RESERVED.

BOARD OF ADJUSTMENTS

§ 157.145 ESTABLISHMENT AND MEMBERS.

(A) The Planning and Zoning Board shall serve as the Board of Adjustments. The Board of Adjustment which consists of nine members must have a minimum of one member residing in the extra-territorial jurisdiction, unless the proportional calculation for ETJ representation which shall be based on the population estimates of the residents of the extraterritorial planning jurisdiction requires more than one member. The population estimates for this calculation shall be updated no less frequently than after each decennial census. Each member shall be appointed by the Mayor with the approval of the Board of Commissioners. The members shall be appointed for staggered three-year terms. Each member shall hold office until his or her successor has been appointed and qualified. Any vacancy in membership shall be filled for the unexpired term. Vacancies for the unexpired terms shall be promptly filled. The governing body may remove any trustee for incapacity, unfitness, misconduct or neglect of duty. Members shall serve without compensation but may be reimbursed for any expenses incurred while representing the Board.

(B) The Board of Adjustment shall serve as quasi-judicial panel to decide questions of chapter interpretation, applications for special use permits and requests for variances. In performing these duties, the Board of Adjustment shall act to preserve and protect the content and intent of the chapter and to authorize deviations from the uniform regulations of the chapter only under explicit authority or extraordinary hardship.

§ 157.146 BOARD PROCEDURES GENERALLY.

(A) Officers.

(1) The Board shall elect a Chairperson and Vice-Chairperson from among its members, who shall serve one-year terms or until their successors are elected.

(2) The Board shall appoint a Secretary, who may be a municipal employee.

(B) Meetings. Meetings shall be held at the call of the Chairperson or at such times as the Board may determine. The Chairperson or, in his or her absence, the Vice-Chairperson may administer oaths and compel the attendance of witnesses by subpoena. The Board shall adopt rules of procedure consistent with this chapter and state law.

(C) Voting.

(1) The concurring vote of four-fifths of the Board of Adjustment shall be necessary to grant variances of this chapter.

(2) A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal in the nature of certiorari. Vacant positions on the board and members disqualified from voting on a quasi-judicial matter under G.S. 160D-1402(j).

(D) Decisions.

(1) The decision of the board shall be delivered within a reasonable time by personal delivery, electronic mail, or by first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy prior to the date the decision becomes effective.

(2) Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160D-14-2. Appeals shall be filed within the times specified in G.S. 160D-14-5(d).

(E) Records. The Board shall keep minutes of its proceedings, recording attendance of members, votes of members on each question, facts entered in evidence, findings made, official actions and recommendations. A copy of these minutes shall be filed with the Town Clerk for public inspection.

(F) Oath of Office. Pursuant to G.S. 160D-309, all members before entering their duties, qualify by taking an oath of office as required by G.S. 153A-26.

§ 157.147 ADMINISTRATIVE REVIEW PROCEDURES.

(A) Appeals. The Board shall hear and decide appeals when it is alleged that there is error in any interpretation, order, requirement, decision or determination made by the Zoning Administrator in the enforcement and administration of this chapter.

(B) Time to appeal. A written application for review of the administrative action shall be submitted to the Board of Adjustment indicating the chapter provision and administrative action in question, asking a specific question or questions to be answered by the Board, stating the applicant's reasons for alleging that an error has been made by the Zoning Administrator in administering the chapter, and providing other relevant data requested by the Board Secretary or Board members. Appeals of action by the Zoning Administrator shall be filed within 30 days of the interpretation, order or other administrative action taken, and may be taken by an aggrieved person or by any municipal official or body affected by action of the Zoning Administrator.

(C) Stays. A timely appeal application shall stay proceedings in furtherance of the action appealed from,

unless the Zoning Administrator certifies to the Board of Adjustments that a stay would cause imminent peril to life or property. If the Zoning Administrator certifies that a stay would cause imminent peril, administrative proceedings shall not be stayed, except by an order of the Board or a court of competent jurisdiction.

- (D) *Notice of hearing.* Upon receipt of an appeal of an administrative action, the Board Secretary shall notify the Zoning Administrator, who shall promptly transmit to the Board all relevant papers constituting the record of the action being appealed. The Board shall set a reasonable time for hearing of the appeal, shall give notice according to G.S.160D-406 to the parties in interest and shall give public notice of the hearing.
- (E) *Presentation of evidence.* The applicant, the local government, and any person who would have standing to appeal the decision under G.S. 160D-14-2(c) shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board. The hearing shall be held and the applicant (appellant) shall present information and evidence relevant to the appeal. The Zoning Administrator shall present information relevant to his or her reasons for the administrative action being appealed, and the town may introduce other relevant information concerning the administration of the chapter. Any person may appeal in person or by agent or attorney. All testimony shall normally be received under oath.
- (F) *Decisions.* The Board shall render a decision within a reasonable period of time, but need not issue a decision at the time of the initial hearing. The Board shall render its decision by answering the specific questions(s) asked by the applicant, shall determine whether the Zoning Administrator correctly administered the chapter and shall direct that the appropriate action be taken by the applicant and/or Zoning Administrator. The decision of the board shall be delivered within a reasonable time by personal delivery, electronic mail, or by first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy prior to the date the decision becomes effective

§ 157.148 SPECIAL USE PERMITS.

The Board shall consider requests for special use exceptions as may be conditionally permitted in various districts, shall determine whether the information submitted supports making the specific finding(s) required by the chapter to permit the use, shall issue special use permits (granting the special use permit) if the required findings are made or deny issuance of a special use permit if all required findings cannot be made, and may attach reasonable conditions to the granting of a special use permit to ensure the use's compatibility with other uses permitted in the district.

§ 157.149 SPECIAL USE PERMIT PROCEDURES.

(A) A written application for a special use permit shall be submitted to the Board Secretary and Zoning Administrator specifying the special use permit sought, indicating the applicable chapter provision, providing information supporting the existence of the required findings and providing the plans or other relevant data as may be required by the town. The administrative and planning staff shall review the application and file a written report with the Chairperson and Secretary of the Board of Adjustments before they review the application.

(B) The Board of Adjustment shall set a reasonable time for a public hearing and consideration of the application. At least ten-days' notice of the hearing shall be published in a newspaper of general circulation in the town and the same advance notice shall be given to the applicant and Town Manager in writing. Notice of the hearing shall also be posted on the affected property in a prominent location.

(C) The hearing shall be conducted, and the Board shall hear relevant presentations regarding whether the required findings exist and whether the special use permit should be granted. The Board shall hear relevant information from the applicant, town administrative and planning officials and any interested or affected members of the public. Parties may appear in person or by agent or attorney to present information relevant to the requirements of the chapter.

(D) The Board shall render a decision within a reasonable period of time but need not issue a decision at the time of the initial hearing and may call for additional information if needed. In order to grant a special use permit, the Board must make the following written findings:

(1) The use will not materially endanger the public health or safety or constitute a public nuisance if located where proposed and developed according to the plans and information submitted and approved;

(2) The use will not substantially injure the value of adjoining property; or, that the use is a public necessity; and

(3) The location and character of the use, if developed according to the plans and information approved, will be in harmony with proximate land uses, consistent with the purposes of the district and in conformity with the town's land use plan.

(E) If the Board makes the above required findings, a special use permit shall be granted and a special use permit shall be issued to permit the requested use. The special use permit shall be subject to conditions stipulated by the chapter or determined by the Board of Adjustment to be necessary to ensure that the use remains compatible with other uses permitted in the district and with adjoining properties. No special use permit shall grant variances from the requirements of this chapter. If any conditions required or imposed as part of a special use permit are not maintained or carried out or cease to exist, the Zoning Administrator shall revoke the special use permit and the use shall become a chapter violation.

(F) If the Board cannot make all of the required findings, no special use permit shall be granted nor special use permit issued. If circumstances change sufficiently that the necessary findings might be met in the future, the Board may re-hear a similar application, but the Board may deny re-hearing to any identical application filed within two years of a previous hearing if it makes a preliminary, informal determination that significant changes warranting re-hearing have not occurred.

§ 157.150 VARIANCE PROCEDURES.

(A) A written application for a variance shall be submitted to the Board Secretary and Zoning Administrator specifying the nature of the variance sought, citing applicable chapter provisions, providing information supporting the existence of the required findings and providing any maps, plans or other relevant data required by the town.

(B) A public hearing will be held by the Board of Adjustments within a reasonable time to determine if required findings support granting of the variance. Testimony may be given by any person with relevant information, whether by agent, attorney or in person. It is the responsibility of the applicant to demonstrate that required findings exist. Notice of evidentiary hearings are subject to §157.185 (A).

(C) The Board of Adjustments shall render a decision, either at the hearing or within a reasonable period thereafter. In order to grant a variance, the Board must find:

(1) Practical difficulties or unnecessary hardships would result from enforcing the strict letter of the chapter. A determination shall be made only if the Board finds that the applicant has demonstrated that:

(a) Strict compliance with the chapter will deprive the applicant of any reasonable return from or use of his or her property;

(b) The hardship results from the application of the chapter and not other factors;

(c) The hardship is actually suffered by the land in question (not the general public or other properties);

(d) The hardship is not the result of the applicant's own actions or negligence; and

(e) The hardship is peculiar to the applicant's property, the result of unusual size, shape or topographic conditions not shared or experienced by other land or structures in the district.

(2) The proposed variance is in harmony with the general purpose and intent of the chapter and preserves its spirit. Requests to extend non-conforming uses or permit uses not allowed in the district are not consistent with this finding;

(3) If the variance is granted, the public safety and welfare will remain secure;

(4) If the variance is granted, substantial justice will be done. In making this determination, the Board shall examine whether literal administration of the chapter would deprive the applicant of rights commonly enjoyed by other property owners or occupants in the district and, on the other hand, whether granting the variance would confer on the applicant any special privilege denied by the chapter to other property in the district; and

(5) If the Board grants a variance, its action shall be accompanied by its reasons for making the required findings and by its certification that the variance is the minimum variance which will make possible the reasonable use of land, buildings or structures.

§ 157.151 ADMINISTRATIVE POWERS.

In exercising its powers, the Board may, in accordance with this chapter, reverse, affirm or modify in whole or part the order, requirement, decision, interpretation or determination appealed from and may issue the orders, requirements, decisions, interpretations or determinations as may be necessary. In these actions, the Board shall have all the powers of the official from whom the appeal was taken.

§ 157.152 AMENDMENT RECOMMENDATIONS.

The Planning Board has both the authority and responsibility to recommend to the Board of Commissioners that amendments to this chapter be considered in order to ensure its equitable and comprehensive application, clarify gaps or ambiguities, or otherwise improve its administration and effectiveness.

§ 157.153 APPEALS FROM BOARD OF ADJUSTMENT

Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160D-14-2. Appeals shall be filed within the time specified in G.S. 160D-14-5(d).. (Amended 3-6-2001)

ADMINISTRATION AND ENFORCEMENT

§ 157.165 ZONING ADMINISTRATOR; POWERS.

(A) A Zoning Administrator appointed by the Town Manager is authorized and directed to enforce and administer the provisions of this chapter. The Zoning Administrator may hold other offices or positions concurrently. Appeals from any order, decision or requirement of the Zoning Administrator shall be made to the Planning Board.

(B) *Primary Administrator.* All questions of interpretation and enforcement shall be initially presented to and determined by the Zoning Administrator. Subsequent recourse shall be, in order, to the Board of Adjustments and the courts.

(C) *Enforcement means.* The Zoning Administrator shall enforce this chapter by withholding zoning permits and compliance certificates, by seeking an injunction, mandamus or other judicial action to prevent, correct or abate unlawful construction, conversion, alteration, occupancy or use, and by seeking warrants for prosecution of chapter violators.

(D) *Conflicts of interest.* No staff member shall make a final decision on an administrative decision if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship.

§ 157.166 ZONING PERMITS.

(A) *Permits required.* No building shall be erected, moved, extended, enlarged, structurally altered or changed in use; nor shall any land be excavated or filled for construction or changed in use until the Zoning Administrator has issued a zoning permit certifying that the proposed structure and/or use complies with this chapter. No building permit or certificate of occupancy shall be issued until a zoning permit has been issued.

(B) *Application.* Applications for zoning permits shall be submitted on forms provided by the Zoning Administrator and shall contain information essential to a determination of chapter compliance, such as: plot plans with lot and/or building dimensions, the locations of buildings and structures, number of dwelling units (if any) and setback lines.

(C) *Permit term.* Zoning permits shall become invalid if the work, occupancy or use authorized is not commenced within six months of permit issuance or if work is suspended or abandoned for one year, or if use or occupancy is suspended for six months.

(D) *Permit effect.* Zoning permits and certificates of compliance issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement or construction as shown therein. Use, arrangement or construction at variance with that authorized is a violation of this chapter.

§ 157.167 CERTIFICATES OF COMPLIANCE.

(A) *Certificate required.* A certificate of compliance issued by the Zoning Administrator and certifying that the building and/or premises is ready for occupancy in conformity with this chapter, is required in advance of occupancy or use of a building hereafter erected, altered or moved, or a change of use of any building or land.

(B) *Application.* A certificate of compliance for a whole or part of a building or premises shall be applied for within ten days after the completion of any erection, alteration or other preparation for occupancy or use. A certificate of compliance shall not be issued unless the proposed use of land and/or building complies with this chapter. If the certificate is denied, the zoning certificates shall be kept on file in the office of the Zoning Administrator and copies shall be furnished upon request to any person.

§157.168 - §157.179 RESERVED.

AMENDMENTS

§ 157.180 PRINCIPLES.

(A) Amendments of the text and zoning map of this chapter may be undertaken from time to time in order to carry out the purposes stated in § 157.001 and to improve this chapter's ability to effectively carry out these purposes. Proposed amendments to the chapter shall be considered significant potential changes in the chapter's ability to assist the implementation of the community's land use plan and comprehensive plan. Proposed amendments should be considered with significant attention to the issues of whether they promote health, safety and the general welfare, encourage the most appropriate use of land and carry out the community's comprehensive plan.

(B) Because the zoning chapter is based on a comprehensive plan, amendments (particularly proposed map changes) should be carefully examined to determine if they are justified by an error in the original provision or classification or whether circumstances have changed sufficiently to make the existing provision or district inappropriate. Absent the justifications, an amendment may be unneeded. In applying district classifications in particular, the community's need for various types and amounts of uses, as well as the suitability of the land for the uses, should be principal determining factors.

§ 157.181 LIMITATIONS.

Zoning classifications shall not be established, nor the official zoning map amended, in the following manners.

(A) *Conditional zoning.* Zoning classifications shall not be based on conditions of time and/or development which will result in an automatic classification change at a future date.

(B) *Contract zoning.* Zoning classifications shall not be based on assurances by an applicant, or conditions imposed by the Board of Commissioners that rezoned property will be developed in a particular, limited fashion.

(C) *"Spot" zoning.* Zoning classifications shall not be adopted in a manner which confers special benefit or places special restriction upon a particular parcel of land nor adopted in a manner which classifies a relatively small area differently from surrounding property of similar nature and logical use, without sound basis in the purposes of zoning as set forth in this chapter and state law.

(D) *Down-zoning.* No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the

subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the Town of Farmville. For purposes of this section, “down-zoning” means a zoning ordinance that affects an area of land in one of the following ways:

- By decreasing the development density of the land to be less dense than was allowed under its previous usage.
- By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

§ 157.182 AMENDMENT PROCEDURES.

(A) *Standing.* A petition for a zoning chapter amendment may be initiated by the Board of Commissioners, Planning Board, any department or official of the town, or any citizen residing or owning property within the zoning jurisdiction of the town.

(B) *Application.* Applications to amend this chapter shall be filed with the Secretary to the Planning Board at least ten days prior to the Planning Board meeting at which it is to be considered. The application shall be submitted in the number of copies specified by the town and shall include information necessary to review the application, including the applicant’s full name, address and interest in any affected property, a description of the property (if applicable), and the nature of the amendment requested, and a statement of what changed conditions make the amendment necessary to the purposes of zoning and the implementation of the town’s comprehensive plan. If the requested change is a zoning map amendment, an accurate map or diagram of the property proposed for re-classification should be submitted, including property lines with dimensions, north arrow, adjoining streets and their widths, the location of all structures, the existing uses of land at the site, and the current zoning classification of the property and adjoining properties. A reasonable application fee set by the Town Manager, subject to Board of Commissioners review, may be charged to offset advertising and administrative expenses in processing the application.

(C) *Staff review.* Copies of the application shall be immediately forwarded to the Town Manager, Zoning Administrator and the chief municipal planner for review and comment.

(D) *Planning Board review.* The application and any staff comments shall be considered by the Planning Board at its first regular meeting at least ten days following submission of the complete application. The Planning Board shall submit its recommendations and/or comments to the Board of Commissioners in writing within 30 days following its initial consideration. If the Planning Board fails to submit a written report within 30 days, it shall be considered to have no objection or substantive comment to offer and the Board of Commissioners may proceed to consideration of the petition. The Planning Board may, if it wishes, conduct a preliminary public hearing on the proposed change and/or may sit concurrently with a public hearing conducted by the Board of Commissioners. In making its recommendation on any zoning district change, the Planning Board shall consider the factors affecting the use of land as its natural features, community facilities, economic needs, environmental quality, official plans, transportation, legal factors and public services impact. When conducting a review of proposed zoning text or map amendments the Planning Board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners.

(E) *Board of Board of Commissioners review.*

(1) Following receipt of the Planning Board's recommendation or expiration of the 30 days, the Board of Commissioners may proceed to consideration of the proposed amendment. Prior to adoption of any amendment, the Board of Commissioners shall conduct a public hearing, which shall be advertised for two successive weeks in the newspaper of general circulation in the town. Prior to proposed zoning map amendments, the Board of Commissioners shall conduct a hearing, which shall be advertised according to §157.185.. At its option or by agreement with the Planning Board, the Board of Commissioners may conduct the hearing prior to issuance of a Planning Board recommendation. The Board of Commissioners may also elect not to conduct a hearing if it feels that an application lacks sufficient merit to receive further consideration.

(2) In review of the application, the Board of Commissioners shall consider staff and Planning Board recommendations, the relationship of the proposed amendment to the land use plan and other elements of the comprehensive plan, information given by the applicant and the public, and principals of good land use planning. When adopting or rejecting any zoning text or map amendment, the Board of Commissioners shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. If the amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the same effect of also amending any future land use map in the approved plan, and no additional request or application for a plan amendment shall be required. When adopting or rejecting any petition for a zoning text or map amendment, a brief statement explaining the reasonableness of the proposed zoning shall be approved by the Board of Commissioners. The statement of reasonableness may consider among other factors (d) the size, physical conditions, and other attributes of any area proposed to be rezoned; (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community; (iii) the relationship between the current actual and permissible development and the development permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

(F) *Petition withdrawal.* Any petition for amendment of this chapter may be withdrawn at any time prior to an actual amendment by the person(s) initiating the request, upon written notice to the Secretary of the Board considering the petition at that time. Withdrawal of a petition by an applicant shall not prohibit further consideration of possible amendments by the appropriate officials and public bodies if they determine that the petition raised significant questions of need for review of the chapter.

(G) *Reconsideration.* When the . Board of Commissioners has denied or tabled an application for a zoning classification change, no application for the same change affecting the same property or a portion thereof shall be accepted for at least one year from the Board's action. This limitation may be waived if reconsideration is voted by four-fifths of the Board membership. Petitions withdrawn prior to Board of Commissioner's action may be re-filed after six months.

§ 157.183 CITIZEN COMMENTS

If any resident or property owner in the local government submits a written statement regarding a proposed amendment, modification, or repeal to a zoning regulation (including a text or map amendment) to the clerk or board at least two business days prior to the proposed vote on such change, the clerk shall deliver such written statement to the Board of Commissioners. If the proposed change is the subject of a quasi-judicial proceeding under G.S. 160D-705 or any other statute, the clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the board shall not disqualify any member of the voting board. Statutory reference:

Related provisions, see G.S. §§ 160D-6032

§ 157.184 CHANGES IN OFFICIAL ZONING MAP.

Changes in district boundaries or the extra-territorial jurisdiction shall be entered on the official zoning map promptly after the changes have been approved by the Board of Commissioners. No change in the official zoning map shall be valid unless all previous changes have been properly entered on the official zoning map. A copy of the official zoning map is available for public inspection at Town Hall in paper or digital format.

§ 157.185 PUBLIC NOTIFICATION.

Public notice shall be made in accordance with G.S. § 160D Article 6.

(A) Mailed Notice

The owner of that parcel of land as shown on the county tax listing and the owner of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of public hearing on the proposed amendment by first class mail at the last addresses listed for such owners on the county tax abstracts. "Abutting parcels" includes parcels that are separated from the proposed zoning map amendment site by a street, railroad, or other transportation corridor or right of way, or any waterbody or stream of less than 100' in width. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing.

(B) Published Notice

Notice of the aforementioned public hearing shall also be published according to G.S. §160D-601(a). The notice shall be published the first time not less than 10 days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

(C) Posted Notice

The Town shall prominently post a notice of the public hearing on the site or on an adjacent public street or highway right-of-way no less than 10 calendar days and not more than 25 calendar days prior to the public hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but sufficient notices shall be posted to provide reasonable notice to interested parties.

(D) The first-class mail notice required per this subsection shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the Zoning Administrator elects to use the expanded published notice provided in G.S. § 160D-602. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall

be notified according to the provisions required for Mailed Notice.

(E) Content of Notice

A published or mailed notice shall provide at least the following:

1. Parcel identification number
2. The address of the subject property (if available)
3. The name of the applicant or property owner
4. A description of the action requested
5. Where a rezoning is proposed, the current and proposed districts
6. The time, date and location of the public hearing
7. A statement that interested parties may appear at the public hearing
8. An email address and phone number to contact the Town for more information
9. For mailed notice only: the general location of the land that is the subject of the application, which may include, a location map with a prominent intersection or roads labeled.

(F) Constructive Notice

In the absence of evidence of fraud, minor defects in the noticing shall not impair the notice or invalidate proceedings pursuant to that notice, subject to other standards of G.S. § 160D.

§ 157.999 PENALTY.

(A) *General.*

(1) *Complaints.* Any person alleging a violation of this chapter may file a written complaint with the Zoning Administrator. Upon receipt of a written complaint, the Zoning Administrator shall investigate the matter within ten days, and take appropriate action to abate any verified violation. A complete record shall be kept of all written complaints received and the actions taken pursuant thereto.

(2) *Remedies.* When any building is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building or land is used in violation of this chapter, the Zoning Administrator, or any other appropriate town authority, or any person who would be damaged may institute action for injunction, or mandamus, or other appropriate action or proceeding to prevent or halt the violation.

(A) *Penalties.* Any person, firm or corporation who violates any provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished for each offense by a fine not exceeding \$50 or by imprisonment to exceed 30 days. Each day the violation continues shall be considered a separate offense. Work carried on in violation of the cancellation of any permit issued under this chapter shall also be deemed a violation punishable in the same manner.